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ON THE DISTRIBUTION AND TENURE OF LANDS, AND THE CUSTOMS WITH RESPECT TO INHERITANCE, AMONG THE ANCIENT MEXICANS.

By Ad. F. Bandelier.

In a previous paper we have endeavored to describe the warlike customs and organization of the Mexican tribe.[1] Our conclusions in regard to them are somewhat at variance with those generally adopted, since, instead of the military despotism which heretofore has been admitted as existing in ancient Mexico, we found but the military democracy peculiar to a warlike tribe.[2] It is our purpose now to investigate how far the Mexicans may have progressed in their notions about the tenure and distribution of the soil.

The picture which nearly all the authors, ancient as well as modern, trace of the condition of aboriginal Mexico is that of a feudal monarchy.[3] This alone should fix permanently the mode of landed tenure. It implies also the notion of abstract ownership, and thus indicates a high state of culture. But we have already

[1] "On the Art of War and Mode of Warfare of the Ancient Mexicans," in 10th Annual Report of the Peabody Museum of American Archæology and Ethnology.

[2] "Art of War, etc., etc., of the Ancient Mexicans," pp. 113, 114, 115, to 127 inclusive, especially the notes. See also "Ancient Society," by Lewis H. Morgan. (N. York, 1877.) Part II, chapter VII, "The Aztec Confederacy," pp. 188–214 inclusive.

[3] The first information tending to represent the condition of Mexico as a feudal state was probably furnished by Cortés; or through his expedition at least. The reports of the preceding voyage of Grijalva (1518) contain no positive statements. On the other hand the certificate issued by Cortés (probably about the 20 May, 1519, or 29 days after his landing at Ulua), to the chiefs of Axapusco and Tepeyahualco, already speaks of "the great Montezuma, which resides in this great city of Tenochtitlán and all its provinces." We have not Cortés' first letter to the emperor, but in his second report, 30 Oct., 1520, he mentions "a great Lord called Mutezuma." (Vedia, "Historiadores primitivos de Indias," Vol. I. Carta Segunda, pp. 12 and 13.) The same dispatch contains a number of details on Montezuma's power, from which a feudal empire was necessarily construed as for inst. (p. 33): "There are in this great city many very large and fine houses, the cause of it being that all the *Lords of the land, vassals of the said Mutezuma*, have their houses in that city . . . ." "What has been ascertained is: that his sovereignty was almost as large as Spain . . ." (p. 34.) Gomara, who published his "Conquista de Méjico" in 1552, already mentions "thirty lords of one-hundred-thousand vassals each, and three-thousand lords of places." (Vedia I, p. 345. "Corte y guarda de Motezuma.") Oviedo ("Historia general y natural de Indias," Vol. III, Lib.

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114 seen that the institutions of the Mexicans were democratic and not monarchical, that their chiefs and leaders filled elective, and in no case hereditary positions.[4] This latter fact whose final discussion we reserve for another occasion, speaks strongly against the existence of privileged classes, based upon territory and landed property; therefore it also militates against feudality itself.

121 Still we cannot permit ourselves to become prejudiced by such indications, against the views generally accepted. They merely warn us of the *difficulties of our task*. These difficulties are greater yet than those against which we contended in our first essay. The military life of the Mexicans has furnished the bulk of their history, and through it a number of facts, by which the former could be almost restored. The question of distribution of the soil, however, apparently relates to *customs* only; broken up and to a great extent obliterated centuries ago. Nevertheless, accessory facts, and especially a merely cursory review of the history of the Mexican tribe, may enable us yet to form an idea of these customs. The Mexican rules of inheritance are in direct connection with them also, and lastly, the *acts of the Spaniards* during the first times after the conquest, when they more or less suddenly overturned the ancient order of things, should bring to light many forgotten features of aboriginal tenure and distribution of the soil.

Having thus sketched the programme — so to say — of our work, we have yet to offer two explanations ere we proceed to enter upon the discussion proper, itself.

In the first place: by "accessory facts," we refer to the *social organization* of the Mexicans in particular. It is inseparable from

122 XXXIII, cap. XLVI, p. 503) again speaks of "more than three thousand lords his subjects, each one of many vassals, and each held his principal dwelling in Temistitan, residing there certain months each year." The author, a friend of Columbus, and personally acquainted with all the eminent men of the conquest, resided at the West Indies and Nicaragua until 1556 (his stay though interrupted by at least six voyages to Spain and back), was one of the most cautious and best situated of the old chroniclers. But the chief originator of the feudal view is Fernando de Alva Ixtlilxochitl, a half breed of Texcuco, and belonging to the kin of that tribe's chieftains. He wrote about the year 1600, and both of his works, the "Relaciones historicas," and the "Historia de los Chichimecos ó reyes antiguos de Texcuco," present, it should not be denied, a picture of logical development of feudal institutions on Mexican soil. Torquemada of course concurs. We hope to be able to investigate, elsewhere, the claims of Ixtlilxochitl to the rank of a reliable source. Fairness, however, compels us here to mention the above authors, as the mainstays of current opinion.

[4] "Art of War," etc., pp. 96, 128 and 161.

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landed tenure, and we therefore must recur to it frequently in the course of our allusions to the history of the tribe.

Secondly: we do not pretend to review the history of ancient Mexico as fully as it *should* be done, but only as far as it touches the subject of this paper. Many points therefore, which ought to be closely scrutinized, will be passed over lightly, or without any discussion.

One of the most learned authors of the 16th century, on American topics,—the Jesuit father Joseph de Acosta, says: "Learned men affirm and write that the relations and the memories of these Indians do not go further back than four-hundred years. . . . . "[5]

Indeed, although much has been written about the aboriginal history of Mexico, it appears as if the 12th century was the *limit* of *definite tradition*.[6] What lies beyond it is vague and uncertain, remnants of traditions being intermingled with legends and mythological fancies. Nothing positive can be gathered except that, even during the earliest times, Mexico was settled or overrun by sedentary, as well as by nomadic tribes,—that both acknowledged

[5] "Historia natural y moral de las Indias," Lib. I, cap. XXV, p. 83. The passage relates directly to Peru, but is just as applicable to Mexico.

[6] "We venture to assume this period as the one during which traditional history of Mexico really begins. Of course, those writers who have made the fabrication of a Mexican chronology a special object, go much further back. The late Abbé Brasseur de Bourbourg, for instance, quotes the "Codex Chimalpopoca," purported to bear date 22 May. 1558, and which begins as follows (History of the three suns). "This is the beginning of the histories of all kinds which happened a long time ago, how the earth was divided, and distributed to each one, its origin and foundation, how the sun began to give to each one his share, assigning the limits; there are now six times four-hundred years, and one-hundred more, and thirteen more . . . ." The distinguished historian concludes therefrom, that 955 B. C. there occurred already, in Middle America, a division of lands according to a systematic register ("Popol-Vuh." Introduction, page CXI). Clavigero's Chronology begins 596 A. D. ("Storia del Messico," Lib. II, cap. I). Don Mariano Veytia ("Historia Antigua de Méjico," published by Sr. Ortega, 1836), after fixing the date of the establishment of "Huehuetlapallan," to the year 2237 of the earth's creation (Vol. I, cap. II, p. 23), or 1706 B. C. (p. 219) begins for the settlement of the Toltecs at Tulantzinco in 907 A. D. (Cap. XXII, p. 121, of 1st volume). Ixtlilxochitl ("Histoire des Chichimèques ou des anciens rois de Tezcuco," translation by Mr. Ternaux Compans) says: (Cap. II p. 13) that the Toltecs founded Tollan 503 A. D. No reliance can be placed on these statements and dates. They are not any longer traditional, but mythical, and although we are far from disregarding the importance of legends or myths for historical investigations, we still cannot accept them as chronological bases. The oldest date in the history of Mexico which appears to be approximately certain is that of the settlement of the Mexicans in the marsh where they subsequently built the pueblo of Tenochtitlan. It would about agree with A. D. 1325. Allowing two centuries more for the period during which the Mexicans and their kindred tribes reached the valley, we are carried to the twelfth century as the time from which distinct tradition has yet reached us. What lies beyond can occasionally be rendered of value for ethnological purposes, but it admits of no definite historical use.

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a common origin, while the sedentary tribes were still further connected together by the bond of language,—and that the original home of these people lay to the north of Mexican territory. We further can infer, that even the sedentary tribes, among which the TOLTECS are most conspicuous, had nowhere advanced to the condition of a *nation* or *state; political society*, based upon territory and landed property, being unknown to them. Their institutions appear to have been *democratic*, their manner of living *communal*, thus excluding the idea of feudality altogether; even at those remote periods of Mexican history.[7] The usual inter-tribal wars,

[7] Our information in regard to the Toltecs is limited and obscure. The name itself appears to be a surname: "Toltecatl"—"official, de arte mecanica, o maestro" (Molina, Vocabulario, Parte II. p. 149). Torquemada (Lib. I, cap. XIV, p. 37) "I merely say, that Tulteca signifies a skilled worker . . . ." Veytia (Vol. I, cap. XXI, pp. 205 and 206). Sahagun ("Historia general de las cosas de Nueva-España," edited by Don Carlos Maria de Bustamante, Vol. III. Lib. X, cap. XXIX, p. 106). "First the Tultecas, signifying excellent workmen . . . ." (p. 107) "y no tenian otro nombre particular sino este que tomaron de la curiosidad. y primor de las obras que hacian, que se llamaron obras tultecas, ó sea como si digesemos, officiales pulidos y curiosos . . . ." Their proper name, as we shall hereafter see, was "Chichimecas,"—in common with all the aborigines of Mexico. Even such tribes as are reported to have preceded them, like the Xicalancas and Olmecas, are connected with reports indicating the same origin. Thus Motolinia ("Historia de los Indios de Nueva-España" in Sr. Icazbalceta's "Coleccion de Documentos," Vol. I), says: ("Epistola proemial," p. 7), that the Xicalancas and Mexicans descended from sons of the same father. Gomara ("Conquista de Méjico," Vedia I. p. 432), says the same, and also that "Ulmecatlh" was one of their brothers, and that from him the Olmecas descended. Sahagun, however (Lib. X. p. 147), contradicts, excluding the "Olmecas, Vistoti, and Nonoalca" from the general appellation of Chichimecas, but includes nearly all the other tribes of Mexico under a common origin. But Veytia seems to consider the Ulmecas and Xicalancas as descending from the same stock as the Toltecs (Vol. I, cap. XIII, p. 150); though his statements might be more positive yet. The Toltec language was the "Nahuatl," a fact too frequently mentioned to need any further quotations. Through it their connection with the tribes of the valley of Mexico, with the Tlaxcallans, Huexotzincas, Cholullans,—and also the Niquirans of Nicaragua is established beyond a doubt. Their division of time and numeral system (as far as the language allows a judgment), was the same as that of the natives of Michhuacan, Oajaca, Chiapas, Yucatan, and Guatemala. If we add to these indications those derived from local myths and legends, we become inclined to believe the reports, that the aborigines of Yucatan and Guatemala for instance, are direct descendants of the Toltecs, or at least from their original stock. This fact acquires a certain importance, since it enables us, from the condition of these tribes at the time of their first contact with the Spaniards, and from their local traditions, to judge partly of the status of the Toltecs, and perhaps to reconstruct their condition and organization of society.

In order to attempt an investigation of the true condition of Toltec society, we have to consider three different points which are the following: Reports about the Toltecs, contained in Mexican sources; since only in Mexico they were called by that name. Reports about the condition of the Toltecs in Mexico *after* their reported dispersion. The condition and organization of such tribes, outside of direct Mexican influence, which still acknowledged an original connection with what has been called the Toltecs in Mexico.

If we follow the traditions current in the Mexican valley, as reported *first* by father

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as well between sedentary Indians and roving tribes, as among the

Sahagun (hardly any of his predecessors mentioning the Toltecs,—a fact not devoid of importance!) it simply appears that the Toltecs were sedentary people, therefore agricultural and proportionately skilled in the use of metals and stones (Lib. X. cap. XXIX, Vol. 3). The same author, in his tale about the fortunes of Quetzalcohuatl, whom he acknowledged as distinctly connected with the fate of the Toltecs, says that (Lib. III, cap. V, p. 248, of Vol. I) the pueblo of Tollan had *two* chiefs,—that it was engaged in war with another tribe not far distant (Coatepec, cap. VI, p. 249),—thus showing at the same time: that the Toltecs were not subject to a ruler residing in Tula, as is commonly reported, but that Tula (or Tollan), was the settlement of a tribe, without authority over any others. There are other indications, in this very legend of Quetzalcohuatl, to show that the Toltecs of Tula were very independent from their chiefs (See cap. VI to XI). Further on, if we follow the peregrinations of Quetzalcohuatl after the same authority, it strikes us that this mythical personage travels through a singularly disjointed country. Everywhere he meets strange places (Cap. XII to XIV), not subject to the tribe from which he originally went out.

Torquemada ("Monarchia Indiana," Lib. I, cap. XIV, p. 37), is more detailed. He asserts that the Toltecs were originally led by seven chiefs, but that after their settlement at Tulantzinco they elected a "king," establishing as a rule that no one of these so-called monarchs should "rule" any longer than fifty-two years, and that if he died previously "the republic governed until the expiration of the time." In his relation of the history of Quetzalcohuatl (Lib. III, cap. VII, pp. 254, 255, and 256), whom he distinctly connects with Tula, the same fact is mentioned as in Sahagun, namely; that the inhabitants of the country were divided into independent tribes, such as Tula, Cholula, Quauhquechollan and others.

It is, however, Fernando de Alva Ixtlilxochitl, whose writings have furnished the chief material for the Toltec history. He gathered his facts from his kinsmen, and, he says, from ancient picture-writings which they explained to him ("Hist. des Chichimèques" Dedication to the vice-roy of Mexico p. XIII, and XIV). Also from songs. It is a slender basis for his otherwise very positive statements, since it may well be accepted that Toltec picture-writings did scarcely exist any more at his time, unless we except such as are analogous to the Dresden-Codex (Humboldt "Vues des Cordillères et monuments des peuples indigènes, etc." Plate XLV of the atlas in folio), regarding them as of Toltec origin. These, however, no Mexican native could have interpreted at that time.

Ixtlilxochitl also speaks of seven chiefs of the Toltecs ("Ils avaient sept chefs, et choisissaient alternativement un d'entreux pour les gouverner." Hist. des Chichimèques," Cap. II, p. 13; also "Segunda Relacion" in Vol. IX, p. 323, of Lord Kingsborough's "Antiquities of Mexico.") He equally mentions the 52 year period of the head-chief (Cap. II, p. 13), and in his "Tercera Relacion" (p. 325), but adds in the "Cuarta Relacion" (p. 326): "Este Mitl gobernó 39 años y quebró en la orden antigua de los Tultecas de gobernar 52 años."

But he also tells us in his Second "Relation" that at Tollantzinco "they constructed of planks a house large enough to accommodate the entire nation," and hints at a number of scattered settlements springing up, though he insists that these were all dependencies of a great Toltec "empire." Nevertheless, his description of the wars among the Toltecs ("quinta Relacion") is not in favor of the latter assumption.

It is mostly on such statements that Don Mariano Veytia has based the Toltec history which forms the beginning of the "Historia antigua de Méjico."—But the eminent Mexican scholar (he wrote about the middle of the 18th century) has added some other details, which we dare not neglect here.

In common with all the others, Veytia places the origin of the Toltecs to the North, where he locates the great city of Huehuetlapallan. Of this great city he says: "The houses in which they dwelt, as well in the city as in the other settlements were then (and for many centuries afterwards, although they had Kings and governments already) but natural caverns, which they also imitated. These were all their dwellings, they sub-

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174 village-Indians themselves, were waged during these early periods.

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114 sisted on fruits, herbs and the chase, and dressed in the skins of wild beasts . . . . ."
174 (Vol. I. cap. III, p. 25.)—From this place there went out bands or families (Cap. II, p. 24), "taking each one a different name, after that of the chief or father of the family leading them," and one of these bands were the Toltecs.

These were again composed of seven lineages (Cap. XXI, p. 207), and the government "resided in the seven principal chiefs" (Cap. XXII, p. 214). Describing the peregrinations of this tribe until they reached central Mexico, he again mentions the large house made at Tollantzinco "in which when completed, all the people found room" (Cap. XXII, p. 221), and finally (Cap. XXIV, p. 227), the formal change made by free common consent of all the Toltecs, of their heretofore democratic government into a despotic monarchy, with descent in the male line, but the term of office of each of these despots limited to fifty-two years (Cap. XXV). We also read of a number of pueblos co-existing with Tollan, but reputed subject to it, in direct opposition to Sahagun and Torquemada, and even sometimes to himself. Of course, there are abundant details about the arts and sciences attributed to the Toltecs, the magnificence of their buildings, etc., etc. To all these we shall refer on another occasion. In regard to weapons and military costume Veytia confirms what we have already said (Art of War, p. 126, and note No. 124), about the great analogy between the Mexicans proper and other tribes of older date (See cap. XXXIII, p. 289).

Veytia was the precursor and cotemporary of the Abbé Clavigero, but the latter's work, "Storia antica del Messico" was printed fifty-six years previous to the writings of the former. Clavigero's statements are, in a condensed form, but a repetition of those of Veytia, with whom he corresponded.

If we now attentively consider the above we shall readily see:

(1). That the Toltecs were descended from at least semi-nomades.

(2). They were organized in consanguine groups, governmentally sovereign, whose chiefs formed the council of the tribe.

(3). They possessed a head war-chief, elected for life, since the limitation of the office for fifty-two years is in itself a concession, that the incumbent held it for life-time.

(4). They practised communism in living.

(5). Consequently, their organization and institution was democratic, not monarchical, and the picture of a feudal empire among them is erroneous.

It is generally admitted that in the 10th or 11th century of our era, the Toltecs of Mexico were dispersed; only a few settlements remaining. Of these the principal were removed to Tezcuco "where they founded four quarters, since the Culhuas, as the Toltecs were then called, formed four families" (Ixtlilxochitl, "Hist. des Chichimèques," cap. XIII, p. 87. Mr. Ternaux has translated "tribes" but the Spanish original has "families.") This is a further evidence of what we have advanced, the four quarters being consanguine groups localized, or "gentes," as Mr. Morgan has established the
PY term in "Ancient Society." Feudalism, however, is incompatible with gentile society.
114 Those of the Toltecs who emigrated are reported to have fled to the South where
174 perhaps others of their language had preceded them. Among such as have been reported of the same origin, the Maya of Yucatan, and the QQuiché of Guatemala are most prominent. Sr. Orozco y Berra, in his excellent work "Geografía de las Lenguas y Carta Etnográfica de México," regards the Maya and QQuiché as sister-languages (Part I, cap. IV, p. 18). If the assumption is correct that they are of Toltec descent, the reports about the condition of these tribes at the time of the conquest, or in their undisturbed aboriginal condition, are of weight for this discussion.

Yucatan, at the time of its first discovery (1517), was inhabited by numerous sedentary tribes, not connected with each other (Bernal Diez del Castillo, "Historia verdadera de la Conquista de Nueva España," cap. XXIX, p. 24, in Vedia, Vol. II. Villagutierre y Sotomayor "Historia de la Conquista y Reduccion de los Itzaex y Lacandones,"

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Sometimes the latter, then again the savages prevailed, until

Lib. I, cap. V, p. 28 and 29. Antonio de Herrera "Historia general de los hechos de los Castellanos en las Islas y la Tierra Firme del Mar Oceano," Dec. IV, Lib. X, cap. II, p. 206, and cap. III, p. 206), except their common language. These tribes consisted of Lineages or consanguine groups. Herrera says (Dec. IV, Lib. X, Cap. IV, p. 211): "They are very proud of their ancestry, by which they all regarded themselves as relatives, assisting each other greatly. Their style of living was communal. Lorenzo de Bienvenida, in his letter to the Emperor, dated 10th February, 1548, Yucatan ("Recueil de pièces relatives à la Conquête du Méxique") states: "Your highness must know that it is very rare to find a house with but one inhabitant, all have two, three, four, six, and even more, among which the father of a family is chief (p. 331). When, in 1698, the last pueblo inhabited by Maya Indians,—Tayasál on Lake Peten, was captured by Don Martin Ursúa, it was found that the houses "were dirty within and unswept. All the inhabitants lived brutally together, an entire relationship together in one single house." (Hist. de la Conquista de los Itzaex, Lib. VIII, cap. XII, p. 494). We have already alluded to the fact the Itzaex had two chiefs. ("Art of War," p. 126, note No. 121. The information is taken from the work just mentioned, Lib. VIII). See further, on the Maya, L. H. Morgan's "Ancient Society" (Part II, chapter VI. p. 181). These indications do not, certainly, speak in favor of feudality among the natives of Yucatan.

The territory of Guatemala, when first visited by Pedro de Alvarado, in 1524, was also divided into a number of sedentary tribes, living in bitter enmity together. Of these tribes the QQuiché of Utlatlan or rather Gumarcaah, near where Santa Cruz del Quiché now stands, are best known. Their history has been written by Juarros ("Compendio de la Historia de Guatemala," 1808–1818), who especially bases upon the MSS. of the Captain Francisco Antonio Fuentes y Guzman, who wrote about 1690, a "Recordacion florida" now acknowledged to be full of exaggerations and misstatements. Juarros makes the QQuiché direct descendants of the Toltecs, and after their settlement in Guatemala under a certain King named "Nimaquiché," he gradually builds up there a mighty feudal Empire, which was in its splendor when the Spaniards overthrew it. The empire is already disproved by the first two letters of Alvarado (See Vol. I of Vedia's collection), by Herrera (Dec. III, Lib. V, Cap. X, p. 106), who also states (Dec. III, Lib. IV, cap. XVIII, p. 141), that the QQuiché had three chiefs "and that the election was made by the principals in the same way, as it has been told of Mexico," Torquemada (Lib. XII, Cap. VIII, p. 386), goes still further by asserting that the heads of families ("los que eran Cabeças de Familias ó Casas Solariegos") had the right to kill the "king" for misdemeanor. He also considers the Toltecs the first settlers.

But the document which conveys the most detailed information of the QQuiché is the "Popol-Vuh." This singular production, which we consult in its publication and translation by Mr. Brasseur de Bourbourg, appears to be, for the first chapters, an evident fabrication, or at least accommodation of Indian mythology to christian notions;—a pious fraud. But the bulk is an equally evident collection of original traditions of the Indians of Guatemala, and as such the most valuable work for the aboriginal history and ethnology of Central America. We cannot here enter into a bibliographical discussion. A few quotations from the third part of the Popol-Vuh will, however, be indispensable (Cap. III, p. 207). After having given the names of the four *mothers* of the QQuiché: "Balam Quitzé is the grandfather and father of the nine great houses of Cavek; Balam Agab is the ancestor and father of the nine great houses of Nimhaib; Mahucutah the ancestor and father of the four great houses of Ahau Quiché. They existed in three divisions of families without forgetting the name of their grandfather and of their father, which extended and grew in the East." This is the beginning of a true genealogy, and it is carried through with great precision.

Then follows a long description of how each of these "families" received an idol for itself, whereas "one was the name of their God, and they were divided afterwards" (Cap. IV, p. 217). Then they moved to "Tulan-Zuiva, at the seven caves, seven ravines." At that time they had yet but skins of animals to cover themselves with, but "at Zuiva

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174 finally the Toltecs, who represented the sedentary class, were either exterminated or expelled; only a few scattered settlements remaining on Mexican territory.[6] Their successors on the soil were tribes of utter savages hailing from the north also, and to whom the vague and indefinite appellation of Chichimecas is given. (If the word is Mexican, it might derive from "Chichiltic" red,

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114 Tulan they forthwith acquired wisdom." This is a striking analogy indeed with the
174 Mexican traditions above reported about the first times of the Toltecs. Settling at Izmachi, they occupied four quarters "they already covered four hills who together bore the names of their tribe" (Mr. Brasseur translates "tinamit" sometimes by tribe and again by town. I prefer the former). At Izmachi they built houses of lime and stone (Cap. VII, p. 301). "But only three palaces were erected at Izmachi, the twenty-four palaces were not yet erected, but only three, one of those of Cavek, one single palace at the face of those of Nihâib, as likewise a single one, possession of those of Ahau Quiché." Recapitulating the festivals it is mentioned "For this reason the three branches assembled in the palaces named after them, where they drank their beverages, and ate their meals, price of their sisters and daughters, and with their hearts full of joy, they but ate and drank out of their painted cups within their palaces" (p. 305). This is a plain indication of communal meals, and of communal living. Finally it is related that at these places "they came to put names, there they took their titles, divided into families, organized into seven "chinamit" (kins not tribes), and classed themselves by quarters." Moving to Gumarcaah or Utlatlan, there they subdivided into twenty-four "great houses"—"the title of all their honors being distributed to each of the princes, *there* formed nine families with the nine princes of Cavek, nine with the princes of Nihaib, four with the princes of Ahau-Quiché, and two with the Lords of Zakik" (p. 309, cap. VIII).

It is easy to detect the following points:

(1). The QQuiché were originally organized in three consanguine groups, to which latterly a fourth was added.

(2). These kinships localized as four quarters, their mode of life was communal.

(3). They subsequently divided into twenty-four kindred groups, constituting so many gentes.

(4). The government of the tribe lay in the hands of the chiefs of these gentes.

This government, as the last chapter of the Popol-Vuh plainly states, was composed of twenty-four chiefs. Of these, three, one from each of three of the "quarters," had the title "Nim-Chocoh" or "great elected one." "There were consequently three Nim-Chocoh (great elected), acting as the fathers of all the chiefs of Quiché, they met together, commanded together, as the fathers and mothers of speech, and their condition is of the most exalted one." They commanded the forces of the tribe.

We have here consequently the organization of the QQuiché as a military democracy, based upon consanguine groups, with three *electos* war-chiefs at its head. The analogy of this organization with that of the Iroquois is really striking. It utterly discards all notions of feudality.

If now, as most of the older sources admit, the QQuiché really belonged to Toltec stock, we believe that the foregoing certainly sustains our views of the condition of these tribes, and justifies our statement that the Toltecs had "nowhere advanced to the condition of a nation or state" and that their institutions were democratic, their manner of living communal; monarchy and feudality being unknown to them.

[6] Compare the legend of Quetzalcohuatl, as related by Sahagun (Lib. III, cap. III to XIV, Vol. I); by Torquemada (Lib. III, cap. VII), and contained also in the Popol-Vuh, where he is, of course, called Gukumatz (Part III, cap. VIII). See further Veytia (Cap. XXII, to the close of Vol. I).

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and "mecayotl"—consanguine relationship, thus: "the kin of red men.")[9] Enough is told us of the condition of these people to establish; that they were roving nomades for whom the soil had no other importance than for temporary occupancy as hunters,—that even the maize plant was unknown to them, and that they re-

[9] The etymology of the word "Chichimecatl" which we have ventured to propose, is not sustained, to our knowledge, by any author. We give it for what it may be worth. Much has been said about its probable derivation. Durán ("Historia de las Yndias de Nueva-España é Islas de Tierra-firme," cap. II, p. 13), says: "Chichimeca, que quiere decir cazadores é gente que viven de aquel oficio agreste y campesino . . . . " thus showing that the word is Nahuatl, and its explanation to be sought for in Nahuatl terms. Ixtlilxochitl ("Relaciones históricas," 2nd part, "Historia de los Señores Chichimecas" —"Relacion primera,") says: "the Toltecs, Acolhuas, Mexicans, and all the other nations of this land pretend to be derived from the Chichimecan race, thus called after its king Chichimecatl who brought it to the New World" (p. 320 and 326). Torquemada (Lib. I, cap. XV, p. 30), affirms: "These people took the name of Chichimecas, because Chichimecatl signifies one who sucks; for Chichiliztli is the act of sucking . . . .; and since these people in the origin ate the raw flesh of beasts and drank their blood, sucking it, they called themselves Chichimecas or suckers." Acosta (Lib. VII, cap. II, p. 453), "they were a very barbarous people, living solely from the chase, and therefore they called them Chichimecas." Betancourt even derives the word from "chichini"—house of a dog. It is again Veytia who, with his clear and positive judgment has gone further than any of his predecessors. He has been the first (we think) to discover the term "mecatl" which signifies a cord (Cap. XII, p. 143), in the last two syllables of the word. It naturally led him to the allied term "mecayotl" which designated a consanguine relationship, and finally to the etymology of "kinship of Chichen" assuming Chichen to have been the name of their first chieftain. There is hardly any proof of the latter however, and still less that "Chichimecatl" was his personal name. On the other hand, all the authors agree in stating, that the locality inhabited originally by the Chichimecas was called "Huehuetlapallan"—the old red place—that one of the stations said to have been occupied by tribes on their migrations towards Mexico bears the name "Chichiltícalli" or red house. Our suggestion is, therefore, not altogether improbable: that Chichimecatl may have derived from "chichiltic" a red object, and "mecayotl"—kin—therefore signifying "the kin of red men."

Señor Manuel Orozco y Berra, the distinguished author of the "Geografía de las Lenguas," makes it very likely that the Chichimecas which invaded Mexico after the dispersion of the Toltecs, or inhabited it jointly with them, spoke a different language (Part I, cap. I, p. 8), which has since disappeared. His opinion is sustained by that of another eminent Mexican scholar, Don Francisco Pimentel ("Cuadro descriptivo y comparativo de la lenguas indígenas de Mexico," Vol. I, p. 183). Nevertheless, the unity of origin of the Chichimecas, Toltecs and other tribes of "Nahuatl" stock, Mexicans of course included, is admitted, not only by Ixtlilxochitl, but already by Sahagun (Lib. X. cap. XXIX, p. 147), who resumes as follows: "All these families call themselves Chichimecas, and even pride and glorify themselves of such a name, and it is because like Chichimecas they went wandering over those lands aforesaid, and thence turned towards these parts, although really such lands were not called lands of Chichimecas, but Tlacotlalpan, Tlacochcalco, Mictlanpan, which means, wide and spacious plains, lying towards the north." Veytia, who almost incorporates the statements of all his predecessors, confirms it as follows: (Cap. II, p. 34). "Of this empire (of the Chichimecas) Huehuetlapallan was the famous court, and from it sallied at various periods bands and squads to people remote countries, each one taking its own name, after the chief or father of family which governed it, and becoming in course of time distinct nations with different languages or dialects, so that according to the belief of these nations and from their history, all the inhabitants of this new world have sprung

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A 174 sorted to caves and thickets for shelter and residence. Landed tenure of any kind we cannot expect to find among them, and still less the system of feudality.[10]

Ethnographically, central Mexico must have presented an appearance, at those times, similar to that of the State of New Mexico and the territory of Arizona at present, in respect to their aboriginal population. Savage tribes swayed and roamed over the greater part of the country, while in the valley of Mexico proper, and east of it, some few "pueblos" of village Indians remained, barely protecting their crops and themselves from the inroads of marauding tribes.[11]

P 114 174 from these seven families, and this city of Huehuetlapallan has the glory of having been the first settlement made in it since the flood, and of being the cradle of all its people, whose memory those of New Spain have preserved, calling it their ancient home."

(Compare, with this view of the peopling of Mexico, the beautiful exposé of Morgan, of the peopling of America from centres of subsistence as initial points of migration, in "Ancient Society" (Part II, cap. IV, p. 108). Mr. Morgan recognizes three such centres in N. America, the most prominent of which is the Valley of the Columbia.)

The title of "Chichimecatl," often extended to "Chichimecatl-tecuhtli," is found very frequently, not only among the Mexicans, but also the Tezcucans and Tlaxcallans. It was an appellation given in reward of personal merit in war.

[10] Ixtlilxochitl has depicted to us a feudal Chichimecan Empire, more complete and typical than the feudal institutions of England. But at the same time he describes the Chichimecas as mere *sauvages* ("Histoire des Chichimèques," Cap. IV, p. 30). "He arrived in a place called Tenayucan Oztopolco, where there were many grottoes and caves, which formed the principal dwellings of that nation." Id. cap. IX. p. 65 and 66), Torquemada (Lib. I. cap. XV, p. 38 and 39), describes them a "people naked, without robes of cotton, of wool, or any other covering but the skins of beasts. Their appearance was wild, they were great warriors, whose weapons are bows and arrows." . . . . "This nation of Chichimecas was governed and ruled by valiant and valorous captains . . . . ." Ixtlilxochitl further states ("Hist. Chichimeca," cap. IX, p. 66): "Every family lived together, and such as had no caves which were their chief dwellings, built huts of straw. The game was divided among the family of the hunter but the hide belonged exclusively to him who had killed it." The soil, therefore, had no other value for them than as "hunting grounds." Nevertheless, both of the authors just quoted report a distribution of the land by their chiefs, in the shape of individual donations, and feodes at an early date. But Ixtlilxochitl (Cap. IX, p. 62 and 64) asserts that the culture of the soil, even the maize plant, was unknown to them until the twelfth century of our era. Torquemada is still more explicit (Lib. I, cap. XLII, p. 67): "Neither did the Chichimecas pay any attention to it (agriculture or horticulture) for the reason that the Lords and Kings had parks ("Bosques") of rabbits and deer, which supplied them with meat, and the common people and Macehuales went after it through the fields, thus sustaining themselves without any other kind of work, and without the toil of sowing or planting, to which they had not been accustomed." More than a century elapsed, according to the above sources, ere horticulture, and therefore sedentary living, began to appear among them. How could feudal tenure of the ground exist meanwhile? We need not refer here to other authors, neither to the descriptions furnished of the condition of the Chichimecas north of the Mexican valley, at the time of the conquest (Motolinia, Trat. III, cap. VII, p. 185). "Tuviéon Señores en esta tierra, como ahora son y estan los Espanõles, porque se enseñorearon de la tierra, no de la manera que los Espanõles."

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[11] See "Zwoelf Sprachen aus dem Südwesten Nordamerikas," by Albert S. Gatschet

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While thus the high Mexican tableland especially was in a condition but little different from that of a fertile waste, migrations were in progress from that same undefined "north," which gradually carried thither tribes, or at least *kindred groups detached* from tribes, of horticultural sedentary Indians.[12] These bodies moved slowly, and independently from each other, and they settled down at last in the beautiful valley, near the watersheets in its centre. There they occupied *independent territories which they held as their own;*[13] and while they, in all probability, did not always maintain friendly relations towards each other, it is still not improbable that, owing to the bond of common stock-language, they

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Weimar, 1877 (a valuable contribution to Linguistics and Ethnography). Also "Lieut. G. M. Wheeler's Zweite Expedition nach Neu Mexiko und Colorado, 1876," by Oscar Loew (in Vol. 23 of Dr. Petermann's "Geographische Mittheilungen," p. 209). "The Spanish Conquest of New Mexico," by W. W. H. Davis, 1869. The sedentary Indians occupying the most limited expanse, and being also inferior in numbers to the roving bands among and around them.

[12] These facts are generally acknowledged, as well as that they migrated from the North. In addition to the authors already named in the course of this and of our previous paper, we shall merely quote: Gregorio Garcia: "El Origen de los Indios del Nuevo Mundo é Indias Occidentales" Madrid, 1729 (2nd Edition, Original appeared in print about 1606). "New Mexico whence came the seven lineages, which peopled New Spain" (Lib. III, cap. I, p. 81), (Lib. X, cap. III, p. 321). "Historia de la Conquista de la Provincia de la Nueva Galicia," written by the Licentiate Don Matias de la Mota Padilla, in 1742, and published by the Geogr. and Stat. Soc'y of Mexico in 1870 (Cap. I, p. 21). They were the seven tribes of "Nahuatl" stock, the community of language alone being sufficient to demonstrate their common origin.

[13] All the older authors agree in stating that the different tribes settled independent of each other. See Motolinia ("Hist. de los Indios de Nueva España," in Col: de Docum: Vol. I. "Epistola proemial") Sahagun (Lib. X, cap. XXIX, p. 145). "Sucesivamente se volvieron los Nahoas, que son los Tepanecas, los Acolhoques, los Chalcas los Vexotzincas, y los Tlaxcaltecas, cada familia por si, y vinieron à estas partes de México . . . . y asi venidos todos à estas partes y tomada la posesion de las tierras, y puestas las mohoneras entre cada familia." Durán ("Hist: de las Yndias" (Cap. II, p. 10). "He of Xuchimilca after having gone around the entire lagune, was pleased with the site which they now occupy, settled there and took what he needed, without damage to anybody nor any contradiction" (p. 11). The Chalcas settled near the Xuchimilcas "quietly and peaceably." The Tecpanecas did the same, also the Tezcucans and the remainder (pp. 12, 13, and 14). Acosta (Lib. VII, cap. III, p. 436). "At the time these nations settled, the Chichimecas made no show of opposition, nor resistance, only they became estranged and like unto astonished retired into the rocky fastnesses." (It is not devoid of interest to connect herewith the proper assertions of Cortés about the utterances of Montezuma, "Carta Segunda," p. 25, in Vol. I of Vedia.) Gomara ("Conquista de Méjico," p. 432, etc., Vedia, Vol. I). Fray Geronimo Mendieta ("Hist. ecclesiastica Indiana," Lib. II, cap. XXXIV, etc.) Ixtlilxochitl and Torquemada however, have made the opinion current, that all these tribes settled upon Chichimecan *domain*, and were *assigned* to special territories by the original holder of the entire country. But we have already established the nature of Chichimecan occupation of the land, and from it we cannot infer that any *title was held*, neither that any could be *given to new comers*.

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sometimes associated (or even perhaps *confederated*) against surrounding tribes.[14]

These settlers, who all spoke closely related dialects of the same language as their predecessors the Toltecs, namely: the "Nahuatl" or *good sound*, were: the *Aculhuans or Tezcucans*, the *Tecpanecas*, the *Xochimilcas*, and the *Chalcas*. The first settled on the Eastern shore of the central lagune, the second to the west of it, while the two last-named tribes clustered around the fresh-water basins of the southeast. In this manner the valley was eventually mastered again by sedentary Indians, who held at bay the surrounding savages;—also defending it from neighbors of their own stock who, occupying at the same time contiguous areas placed under different geographical conditions, while their organization and plan of life were similar, and the language but dialectically varied;—still, eventually, became their most inveterate enemies.[15]

Although quite a respectable literature has arisen on the subject of the organization, customs and manners of these "Nahuatl" tribes of the valley of Mexico, this literature is much richer in facts purporting to be *historical* than in satisfactory *details* on *that subject itself*. We can but discern among the confusions and contradictions (of older authors particularly)—that the different tribes were democratic societies, based upon consanguine groups as units. Chiefs, *elected by the people*, formed their governments, whose highest authorities were the *councils*. The Tezcucans and Tecpanecans seem to have had each *one*, the Chalcas *two*, *head war-chiefs*, elected for life. In regard to their mode of holding and distributing the soil the most varied statements are given, most of these, however, based upon the assumption of monarchial institutions, and even of a great feudal empire with Tezcuco as its capital. Both of

[14] The reports about a preponderance of certain tribes, such as the Tezcucans or the Tecpanecans, resolve themselves into a result of intertribal relations in the valley of Mexico. We need but consult the writings of Ixtlilxochitl for that purpose. (See "Hist. des Chichimèques" cap. XI, XII, XIV, and XVI). Torquemada (Lib. I, cap. XXXVII, p. 88).

[15] For a history of the different tribes composing the specifically latest immigration of "Nahuatl" stock, we refer to all the older authors on Mexican topics. Those of their kindred who settled outside of the valley were especially the Tlaxcallans. The relations of the latter to the valley-tribes were always rather unfriendly. See Torquemada (Lib. III, cap. IX, p. 258, and 259. Cap. XI, p. 264, and 265). Durán (Cap. II, p. 13). But the continuous wars between Tlaxcallan and the tribes of the valley commenced when the latter began to extend their sway under the leadership of the Mexicans (Ixtlilxochitl "Hist. des Chichimèques" cap. XLI, p. 292). It is corroborated by the statements of the Tlaxcaltecas themselves to Cortés ("Carta Segunda," p. 18, Vedia, Vol. I).

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these assumptions are disproved by the facts, related even by such authors as have most contributed towards fixing them upon the public mind as recognized truths.[16] We need hardly say here,

[16] In regard to the Tecpanecas, Acosta says (Lib. VII, cap. II, p. 477): "From this it may be inferred, that among them the King exercised no absolute command and rule, and that he was rather a consul, or Dux, than a king." He further compares the Tecpanecas with the "reges" of ancient Rome (See Morgan's "Ancient Society," Part II, cap. XI, p. 287). The council was supreme among the Tecpanecans. See Tezozomoc ("Crónica Mexicana," Lord Kingsborough, Vol. IX, cap. IV, p. 11; also cap. V, p. 12, cap. VI, p. 13, "a esto respondió el rey y senado Tecpaneca: Digéronle: mira atempancecatl (que muy bien le conocian) bien conosco la humillacion y sugecion de los Mexicanos; ya es por demas, porque estan alborotados, y corajudos los Tecpanecas:") Durán (Cap. VIII, p. 64, and 65).

The Xuchimilcas were governed by two chiefs (Tezozomoc, cap. XVI, p. 25. Durán, cap. XII, p. 104. "Their chiefs, of which there were two, one of the chief-place ("cabecera" rather lineage) of Xuchimilco called Yacaxapotecutli, and the other from the milpa (this is to be interpreted as descendancy), which is called Pachimalcatltecutli, and together with them meeting many principals, said"): a joint meal after communal style is also attributed to them by Tezozomoc (Cap. XVI, p. 26).

The Chalcas also had two chiefs: (Durán, cap. XVI, p. 134, Montezuma Ilhuicamina said to Tlacaelel: "I wish, if thou agreest, to send messengers to Chalco to the chief of Chalco Quetzotl and to his companion Totzocitecutli . . . ."—Tezozomoc, cap. XXII, p. 33. Cap. XXIV, p. 36. Confirmed by the action of Cortés after the voluntary surrender of Chalco, when he installed two chiefs. Bernal Diez: cap. CXXXIX, p. 134 and 135, Vedia, II).

With the Texcucans or Acolhuas there appears always but one head-chief, but it is equally positive that the office, while remaining in a certain kin, was elective still. The fact is interesting and requires close proof. We adduce here, in a general way, Sahagun (Lib. VIII, cap. XXX. "De la Manera que tuvieron en elegir los señores," p. 318, of 2d Vol.): Durán (Cap. LXIV, p. 496). "Montezuma sent his messengers to Tezcuco, and had all the chiefs of that city and kingdom called to learn from them whom they were inclined to elect . . . ." (p. 497), "the which came, electing for King to Quetzalacxoyatzin, Nezahualpilli's son . . . ." Tezozomoc (Cap. CI and CII). Ixtlilxochitl concurs ("Histoire des Chichimèques," cap. LXXXVI). Torquemada (Lib. XI, cap. XXVII, pp. 357, 358 and 359), acknowledges that, while the choice was among the *sons* exclusively, there still was a *choice* left, but he contradicts the statements of Juan Bautista Pomar (who wrote about 1582) who says, that this choice extended to the entire *kin* of the deceased head chief. Mendieta (Lib. II, cap. XXXVII, p. 153). "Although the Indians of this New Spain inherited the chieftaincy in direct lines, they took great care in ascertaining which one of his sons had to succeed to him." He mentions the succession in the cases of Netzahualcoyotl and of Netzahualpilli, each of whom were respectively followed by what he calls an illegitimate offspring, but whose mother was a *Mexicana* woman. Veytia (Cap. XIV, p. 367). "The council hardly had been informed of the King's death, when it thought proper to elect a successor, after the manner of the Mexicans . . . ." Carlos Maria de Bustamante ("Tezcoco en los Ultimos Tiempos de sus antiguos Reyes," Mexico, 1826. Part III, cap. IV, pp. 218, 219 and 220). Alonzo de Zurita ("Rapport sur les différentes classes de chefs de la Nouvelle-Espagne" translation by Mr. Ternaux-Compans, p. 131). "The order of succession varied according to the provinces, the same custom, with slight differences, prevailing in Mexico, Tezcuco and Tacuba."

The assumption of a feudal empire at Tezcuco has already been discussed. It was an invention of chroniclers, who had a direct interest, or thought to have one, in advancing the claims of the Tezcucan tribe to an original supremacy. Tribal jealousy and rivalry, such a powerful ally of the Spaniards during the conquest, continued to subsist where the Spanish domination was fully established.

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114 that all the tribes of Mexico, issuing from a common stock,
174 speaking the "Nahuatl" tongue, and living under the same geographical influences,[17] had reached an almost identical state of culture. Therefore the result of our investigations of the landed tenure among the Mexican tribe proper, can safely be assumed as applicable to all the other sedentary tribes of (the valley of) Mexico.[18]

174 While thus horticultural tribes had secured the fertile portions of that valley, dividing its expanse among themselves, and separated by unoccupied "neutral" soil,[19]—a small band of their own linguistical relationship was moving down from the North, and ultimately made its appearance in their midst. Those were the *Mexicans* proper, also called "*Aztecas Mexitin*," "*Aztlantlacas*" or "*Mexica*."[20] This band was composed of Seven Kinships "lineages," whose chiefs jointly composed the government of the whole, a head war-chief, elected for life, directed their movements, but

[17] The difference between the valley tribes and those of the Tlaxcaltecan mountain country, is not even very great. It is in fact but apparent. From the nature of the soil, the kinships of Tlaxcallan were more scattered in location, and therefore were apparently democratic. The same was the case among the Niquiraus of Nicaragua. See Oviedo (Lib. XLII, cap. I, pp. 37 and 38), and E. G. Squier. ("Nicaragua," Vol. II. "Aborigines of Nicaragua," cap. II, p. 340–348).

[648] [18] Otherwise the confederacy, on equal terms, existing between the valley-tribes for more than a century previous to the conquest, and of which we shall hereafter treat, could not have been formed, neither could it have subsisted. The fact, however, that all the old chroniclers mention the tribes of Mexico under one common head, and describe their customs, as, in the main, identical.—proves that we can safely assume the Mexicans as typical in that respect. Some tribes were more advanced in certain mechanical arts than others,—but the difference was merely one of details, and not of organic principles.

[131] [19] See "Art of War," p. 135. The boundary line mentioned by Ixtlilxochitl (Histoire des Chichimèques," cap. XXXIII, p. 125), and also by Veytia (Cap. III of Book II. p. 167 of 3rd volume) if, as the latter asserts, it ever really existed, did not divide so much the territory of the tribes, but rather the range over which each one might freely extend, after the formation of the confederacy. Sr. Veytia contends that the remnants of it were still visible at his time, and carried the name "albarrada de los indios."

[226] [20] "Art of War," p. 96, note 1. We have alluded to the common appellation of "Chichimecas." Sahagun (Lib. X, cap. XXIX, p. 147), says: "properly they call themselves Atlacachichimeca, or fishermen that have come from distant lands." This would be a corroboration, to some extent, of Torquemada's assertion (Lib. II, cap. XI, pp. 92 and 93) that the Mexicans introduced the art of fishing in the Mexican valley. We cannot help being struck by the prefixum, "Atlaca." If it decomposes into "Atl," water, and "tlacatl," man, it assigns to the Mexicans an original abode in the neighborhood of the sea, or of very large water-courses. Tezozomoc, in his first chapter, speaking of Aztlan, whence the Mexicans are said to have emigrated, and from which word the name of "Aztecs" is derived, says: "They had in this land and the *lagunes* thereof . . . ." (p. 5). Aztlan itself means "place of the heron," which is an aquatic bird. (See also Veytia, Lib. II, cap. XII, p. 91). He places "Aztlan" towards the extreme north.

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this office may not have, at that time, been permanently established;[21]—only temporarily, for emergency's sake.[22] It is barely possible for us to follow the migrations of the Mexicans with any degree of certainty; we can but gather from the various and varied reports and traditions, that being horticultural Indians, fertile lands were sought for by them, and only when they reached the lake-basin did they begin to hope for realization of their desires.[23] —There was yet much unoccupied space around the lagunes, still the newcomers were hardly welcome to the other occupants, who harassed them so long, that at last they fled into the marsh or swamp which then covered the area subsequently converted into the western lagune of Mexico.[24] Thus they retired to ground *which was neither held nor claimed by any of the surrounding tribes*, and on the few solid patches protruding above the morass, they settled, glad to have escaped pursuit and found a resting place on

[21] We have adopted the number seven for these kinships, although the interpreter of the Mendoza Codex (Tab. I, of Vol. I, Lord Kingsborough) says there were ten. "El exercito Mexicano tubo por caudillos diez personas nombradas . . . ." (Vol. V, p. 40). Durán and Tezozomoc both say seven, so does Veytia. The two former authors even give the names of the idols which each of these seven clusters worshipped, carrying it along on their migrations. It is needless here to prove in detail the democratic nature of these seven "lineages." Veytia, for instance (Lib. II, cap. XII and XIII), quotes Chimalpain as authority, and although he assigns to the Mexicans a leader ("caudillo") called Huitziton, he still implies that at Chapultepec only "they, emulating the other nations there located, resolved upon electing a King to govern them" (p. 109). Durán (Cap. III, p. 27). Clavigero mentions an "Aristocratic" organization of the Mexicans until the year 1352. "The entire nation was below a senate or conclave of the most respected persons, distinguished through nobility and knowledge. At the foundation of Mexico there were 20 of these" (Lib. III, cap. I). This is a new version. See also Gregorio Garcia ("Origen de los Indios" Lib. V, cap. III). If we eliminate the mythical Huitziton, we find *occasional* head war-chiefs. Veytia even assures us that after Mexico was founded, they elected "one to govern them, although not in the capacity of a King, but as a leader or captain" (Lib. II, cap. XVIII, p. 159).

[22] The *regular* series of Mexican head war-chiefs ("tlaca-tecuhtli") commences about the middle of the 14th century. Previous to it, the office appears to have been filled by occasional braves, as emergency required. Compare Veytia (Lib. II, cap. XII and XIII, with cap. XV, p. 131, and cap. XVIII, p. 159, and cap. XXI, p. 186 and 187). Torquemada (Lib. I, cap. III, p. 83. Cap. IV, p. 84. Cap. XII, p. 95). Mendieta (Lib. II, cap. XXXV, p. 148), and Acosta (Lib. VII. cap. 8, p. 468 and 469), etc., etc.

[23] Motolinia (Trat. III, cap. VII, p. 186). Durán (Cap. III). Tezozomoc (Cap. I, II and III). Acosta (Lib. VII, cap. 4, p. 459). Garcia ("Origen, etc." Lib. III. cap. III, § V, p. 99 and 100. "que los haria Principes, i Señores de todas los Provincias, que havian poblado las otras seis naciones, que antes en ellos havian salido.")

[24] "Art of War, etc.," p. 87 note 5. Idem, p. 150, and note 194, 185, and p. 151, notes 197 and 198.—L. H. Morgan ("Ancient Society," Part II, cap. VII, p. 190 and 191). Among the older authors, Mendieta is very explicit (Lib. II, cap. XXXV, p. 148). "Y eso asiento les cuadró mucho por hallarlo abundante de cazas de aves y pescados y marisco con que se poder sustentar y aprovechar en sus granjerias entre los pueblos comarcanos, y por el reparo de las aguas con que no les pudiesen empecer sus vecinos."

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[74 soil *which they might hold as their own.*[25] It would appear that, through loss of numbers in the course of their migrations, as well as through divisions among themselves, the original consanguine groups composing the body, had been reduced to *five.*[26] Now a further and last division took place, one of these kindred clusters seceding from the rest, and establishing itself apart on another sandy expanse where, close to the others however, it grew to become the tribe of Mexico-Tlatilulco.[27] It remained independent until about forty years before the conquest.[28]—The other *four* settled *each one by itself*, but still acknowledging a *common government*, in token of which the tribal place of worship was erected at the spot where these four areas met. Thus the "pueblo" of Mexico-Tenuchtitlan was founded; the seat and home of the Mexicans proper.[29]

[25] Ixtlilxochitl ("Histoire des Chichimèques," cap. X, p. 72), says that the Mexicans "asked the King of Azcaputzaleo for soil" (to settle upon). Torquemada represents their settlement as a flight to a safe place (Lib. II, cap. XI, p. 92). Also Mendieta (Lib. II, cap. XXXV, pp. 147 and 148). Durán (Cap. V, p. 41), has the remarkable passage following: "que aun el suelo no era suyo, pues era sitio y término de los de Azcaputzalco y de los de Tezcuco; porque alli llegaban los términos del uno y del otro pueblo, y por la otra parte del Mediodia, términos de Culhuacan;" (This shows they were on neutral ground, dividing the tribes of their surroundings.) Tezozomoc confirms (Cap. III, p. 9), "estando en terminos de los de Atzcapuzalco, Acuihuaques Tezcucanos y los de Culhuacan." Durán (2d p. 41) further says that they contended to be masters of their soil, without owing allegiance or obedience to any one. See also Tezozomoc (Cap. III) and Motolinia ("Epistola proemial," p. 5). Gomara ("Conquista," p. 431. Vedia, 1st volume).

[619 642] [26] We have already alluded to the number of chiefs leading the Mexicans at the time of their settlement in the lagune. It varies from four to twenty. But the fact that four "quarters" composed it originally, leads me to the belief that four Mexican kinships remained, one seceding as the tribe of Tlatilulco. This division into four is the only fact reliably ascertained. (See notes 27, 29, 30 and 31).

[27] This fact is too amply proven to need special references. How it occurred we cannot ascertain, since it is related in the most varied manner by the different sources of authority. If the statement is correct that even during their migrations, the Mexicans proper and the Tlatilulcás kept apart, as tribal components, or probably "phratries,"—then the fact of their localizing as tribes independent from each other is easily accounted for. See Veytia (Lib. II, cap. XV, p. 135).

[28] The date of its conquest by the Mexicans is about 1473 ("Art of War, etc." p. 102). It can easily be verified from the date on the so-called "calendar stone" at the city of Mexico. (See "Calendario Azteca" by Señor Chavero.)

[615 618] [29] The question remains yet undecided as to whether these four "quarters" ("barrios") were four original kinships, or whether they were already four "brotherhoods of kinships" (phratries), analogous to the Roman curiæ formed by (or rather remaining as the last vestige of) original kinships disaggregated. The latter might appear likely from the fact of the greater number of chiefs (than four), mentioned by the old authors. The existence of still lesser groups is plainly acknowledged at the same time. Durán says (Cap. V, p. 42): "On the night after the Mexicans finished the place of worship ("hermita donde su dios estaba"), a large area of the lagune being filled up and room made for the houses, Vitzilopochtli spoke to his priest or keeper and said to him:

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Four "quarters" had been formed by the localizing of four relationships composing them respectively, and it is expressly stated that each one "might build in its quarter (barrio) as it liked."[30] The term for these relationships, in the Nahuatl tongue, and used among all the tribes speaking it was: "Calpulli." It is also used to designate a great hall or house, and we may therefore infer that, originally at least, all the members of one kinship *dwelt under one common roof*.[31] The ground thus occupied by the "Calpulli" was

"Say to the congregation Mexican that the chiefs, each one with his relatives, friends and connections, shall divide themselves into four principal quarters, my house being in the centre among them, and that each cluster may build in its quarter as it pleases." These quarters are those which now remain in Mexico, that is, the quarters of San Pablo, of San Juan, of Santa Maria la Redonda, and of San Sebastian. After the Mexicans had divided into these four places, their God commanded them to distribute among themselves the idols ("los dioses"), and that each quarter should name and designate particular quarters where these particular idols should be worshipped. Thus each quarter was divided into many small ones, according to the number of the idols called Calpulteona (it should be "Calpulteoltzin" composed of Calpulli-quarter, and teotl-god), which signifies god of the quarter." (See Acosta, Lib. VII, cap. VII, p. 467.) Tezozomoc, cap. III, p. 9, "y siendo de noche hicieron junta y les dijo el sacerdote Quauhtlequetzqui: hermanos, ya es tiempo que os dividais un trecho unos de otros en cuatro partes cercando en medio el templo de Huitzilopochtli, y nombrad los barrios cada una parte, y asi concertados para dividirse . . . ." Torquemada confirms these statements (Lib. III, cap. XXIV, p. 295), although he protests against the origin of this division. He says: "I confess it to be truth that this city of Mexico is divided into four principal quarters, each one of which contains other smaller ones included, and all, in common as well as in particular, have their commanders and leaders . . . ." He further says (Lib. XIV, cap. VII, p. 545). "These clusters ("parcialidades" kinships) were distributed by calpules, which are quarters ("barrios"), and it happened that one of these clusters held three, four, or more calpules, according to the number of its people . . . ." (We shall investigate hereafter the objection of Torquemada). The same author, however, acknowledges (Lib. III, cap. XXII, p. 288), that the founders of Mexico were "nine families . . . These families commenced the foundation of this illustrious and magnificent city . . . ." One fact results beyond all doubt, that the first settlement of Mexico was made upon the basis of a division into kinships or consanguine groups, localizing on certain areas, which jointly composed the tribe. That the government was democratic has already been established previously.

[30] Durán (Cap. V, p. 42). Acosta (Lib. VII, cap. VII, p. 467). Herrera (Dec. III, Lib. II, cap. XI, p. 61).

[31] Torquemada (Lib. II, cap. LXVIII, p. 194. "Estaba de ordinario, recogido en una grande Sala (ó calpul)." (Lib. III, cap. XXVII, p. 305. Lib. IV, cap. XIX, p. 396, (que asi llaman las Salas grandes de Comunidad. ú de Cabildo). We find, under the corrupted name of "Galpon," the "calpulli" in Nicaragua among the Niquiranas, which speak a dialect of the Mexican (Nahuatl) language. See E. G. Squier ("Nicaragua," Vol. II, p. 343. "The council houses were called grepons, surrounded by broad corridors called galpons, beneath which the arms were kept, protected by a guard of young men"). Mr. Squier evidently bases upon Oviedo ("Hist. general," Lib. XLII, cap. III, p. 51. "Esta casa de cabildo llaman galpon . . . ." It is another evidence in favor of our statements, that the kinship formed the original unit of the tribe, and at the same time a hint that, as in New Mexico, originally an entire kin inhabited a single large house. See Molina's Vocab. (p. 11).

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not, as Torquemada admits, *assigned* to it *by a higher power*,[32] *the tribal government itself held* no domain which it might apportion among subdivisions or to individuals, either gratuitously or on condition of certain prestations; or barter against a consideration.[33] The tribal territory was distributed, at the time of its occupancy, *into possessory rights held by* the kindred groups as such, by common and tacit consent, as resulting *naturally* from their *organization* and *state of culture*.[34]

The patches of solid ground, on which these "quarters" settled, were gradually built over with dwellings, first made out of canes and reeds, and latterly, as their means increased, of turf, "adobe" and light stone. These houses were of *large size*, since it is stated that even at the time of the conquest "there were seldom less than two, four, and six dwellers in one house, thus there were infinite people (in the pueblo) since as there was no other way of providing for them, many aggregated together as they might please." *Communal living*, as the idea of the "calpulli" implies, seems, therefore, to have prevailed among the Mexicans *as late as the period of their greatest power*.[35]

[32] Torquemada (Lib. II, cap. VIII, p. 88, and Lib. III, cap. XXIV, p. 295) attributes the division into "quarters" to a "decree" of the Chichimecan "emperor" Techotlalatzin. But his assertions are disproved in part by his own statements, in part by the positive reports of other authors. Admitting even that the said Techotlalatzin should have wielded the discretionary power attributed to him, although there is strong evidence against it, he would have ruled *after* the foundation of Mexico. (Clavigero, Lib. II, cap. IX. Veytia, Lib. II, cap. XX, p. 178.) Consequently *after* the settling and localizing of the four quarters mentioned had taken place.

[33] The division into "quarters" is everywhere represented as resulting from common consent. But nowhere is it stated that the *tribal government or authority* assigned locations to any of its fractions. This is only attributed to the chiefs, on the supposition that they, although *elective*, were still hereditary monarchs.

[34] There is no evidence of any tribute or prestation due by the quarters to the tribe. The custom always remained, that the "calpulli" was sovereign within its limits. See Alonzo de Zurita ("Rapport sur les différentes classes de chefs de la Nouvelle-Espagne" pp. 51–63). Besides, Ixtlilxochitl says: ("Hist. des Chichim," cap. XXXV, p. 242), "Other fields were called Calpolalli or Altepetlalli." Now calpulalli (from "calpu'li," quarter or kinship, and "tlalli," soil), means soil of the kin, and altepetlalli ("altepetl," tribe), soil of the tribe. Clavigero even says that the lands called "altepetlalli," belonging to the communities "of the towns and villages, were divided into so many parts, as there were quarters in the town, each quarter *having its own, without the least connection with the other*." (Lib. VII, cap. XIV.) This indicates plainly that the kinships *held the soil*, whereas the tribe occupied the territorial expanse. The *domain*, either as pertaining to a "Lord," or to a "State," was unknown among the Indians in general. Even among the Peruvians, who were more advanced than the Mexicans in that respect, there was no domain of the tribe.

[35] See Torquemada (Lib. II, cap. XI, and Lib. III, cap. XXII). Durán (cap. V). The quotation is from Herrera (Dec. II, Lib. VII, cap. XIII, p. 190), and is confirmed by Torquemada (Lib. III, cap. XXIII, p. 291), and especially by Gomara ("Conquista de

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The soil built over by each "calpulli" probably remained for some time the only *solid* expanse held by the Mexicans. Gradually, however, the necessity was felt for an increase of this soil. Remaining unmolested "in the midst of canes and reeds," their numbers had augmented, and for residence as well as for food, a greater area was needed. Fishing and hunting no longer satisfied a people whose original propensities were horticultural; they aspired to cultivate the soil as they had once been accustomed to, and after the manner of the kindred tribes surrounding them. For this purpose they began throwing up *little artificial garden-beds*, "chinampas,"[36] on which they planted Indian corn and perhaps some other vegetables. Such plots are still found, as "floating gardens," in the vicinity of the present city of Mexico, and they are described, as follows, by a traveller of this century:

"They are artificial gardens, about fifty or sixty yards long, and not more than four or five wide. They are separated by ditches of three or four yards, and are made by taking the soil from the

Méjico," p. 443. Vedia, I). "Many married people ("muchos casados") live in one house, either on account of the brothers and relations being together, as they do not divide their grounds ("heredades"), or on account of the limited space of the pueblos; although the pueblos are large, and even the houses." Peter Martyr of Angleria ("De Novo Orbe," translated by Richard Eden and Michael Lok, London, 1612. Dec. V, cap. X, p. 228), says: "But the common houses themselves as hygh as a mannes Girdle, were also built of stone, by reason of the swellyng of the lake through the floode, or washing fiote of the Ryvers fallying into it. Vpon those greate foundations, they builde the reste of the house, with Bricke dryed, or burned in the sunne, intermingled with Beames of Tymber, and the common houses have but one floore or planchin." We are forcibly reminded here of the houses of Itza on Lake Peten, which were found in 1695. "Hist. de la Conq. de los Itzaex," Lib. VIII, cap. XII. p. 494." "It was all filled with houses, some with stone walls more than one rod high, and higher up of wood, and the roofs of straw, and some only of wood and straw. There lived in them all the Inhabitants of the Island brutally together, one relationship occupying a single house." See also the highly valuable Introduction to the second Dialogue of Cervantes-Salázar ("Mexico in 1554") by my excellent friend Sr. Icazbalceta (pp. 73 and 74).

[36] "Chinampa," derives from "Chinamitl." "Seta o cerca de cañas," (enclosure of canes or reeds). Molina "Vocabulario", Parte II, p. 21). This mode of enclosing the ground was very common in the valley. A cluster of settlements between Churubusco and the Eastern lagoon has even obtained from it the name of "Chinampanecas (frequently mentioned in Tezozomoc and Durán.) The word "Chinamiti" has been adopted by the Quiché of Guatemala, changed into "Chinamit," and used to designate a *kinship*. (See "Popol-Vuh., pp. 201, 204, 205, where "Chinamit" is translated as family.) Even in those remote regions where the territories of Yucatan and Guatemala join, or rather merge into each other, around Lake Peten, where the Nahuatl language is hardly known, we find in the 17th and 18th century, a tribe of "Chinamitas," who are said to have inhabited an area surrounded by Mexican agaves ("Magueyes") as a defensive hedge. ("Hist. de la Conq. de los Itzaex," Lib. VIII, cap. XI, pp. 489-493.) It shows that the original signification of the word, at least, was connected with the notion of a family-lot.

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intervening ditch, and throwing it on the chinampa, by which means the ground is raised generally about a yard, and thus forms a small fertile garden, covered with the finest culinary vegetables, fruits and flowers . . . . . ."[37]

Each consanguine relationship thus gradually surrounded the surface on which it dwelt with a number of garden plots sufficient to the wants of its members.[38] The aggregate area thereof, including the abodes, formed the "*calpullalli*"—soil of the "calpulli,"[39] *and was held by it as a unit;* the *single tracts*, however, being tilled and used for the benefit of the *single families*.[40] The mode of tenure of land among the Mexicans at that period was therefore very simple. The tribe claimed its *territory*, "ALTEPETLALLI," an undefined expanse over which it *might extend*, —the "calpules," however, *held* and *possessed within that territory* such portions of it as were *productive;* each "calpulli" being *sovereign* within its limits, and assigning to its individual members *for their use* the minor tracts into which the soil was parcelled in consequence of their mode of cultivation. If, therefore, the terms "altepetlalli" and "calpulalli" are occasionally regarded as *identical*, it is because the former indicates the *occupancy*, the latter *the distribution* of the soil [41] We thus recognize in the calpulli, or kindred group, the unit of tenure of whatever soil the Mexicans deemed worthy of definite possession. Further on we

[37] "Six Months Residence and Travels in Mexico," by W. Bullock. London, 1824. Cap. XIII, p. 179. It is not devoid of interest to compare the descriptions of this rather superficial, though still truthful observer, with the account of the ancient Chinampas as preserved to us in Tezozomoc (cap. III, p. 9). Durán (cap. VI, pp. 50 and 51). The floats or rafts mentioned by these old authors were nothing else but the chinampas or "floating gardens." Therefore also Tezozomoc uses the term "camellon," or garden-bed. (See also Acosta, Lib. VII, cap. IX, p. 472.) Torquemada (Lib. XIII, cap. XXXII, p. 483). Veytia (Lib. II, cap. XV, p. 142).

[38] Durán (Cap. V). Tezozomoc (Cap. III, p. 8). Acosta (Lib. VII, cap. IX, p. 473). Torquemada (Lib. III, cap. XXXIII, p. 291. Lib. II, cap. XV, p. 101). Clavigero (Lib. II, cap. XVII).

[39] Alonzo de Zurita (p. 51). Ixtlilxochitl ("Hist. des Chichim," cap. XXXV, p. 242). Torquemada (Lib. XIV, cap. VII, p. 545). Bustamante ("Tezcoco en los ultimos Tiempos de sus antiguas Reyes," p. 232).

[40] Zurita ("Rapport, etc.," pp. 52, 56, 57, 60).—De l'Ordre de Succession observé par les Indiens, etc., etc. (copy of an anonymous MSS. from Simancas, contained in the Uguina collection, and translated by Mr. Ternaux-Compans in his "Recueil de pièces, etc., pp. 223 and 224.)

[41] Zurita ("Rapport, etc.," pp. 51-64). Herrera (Dec. III, Lib. IV, cap. XVII, p. 138). Ramirez de Fuenleal, Bishop of San Domingo (Letter of 3 Nov., 1532, Mexico, to the Emperor Charles V. "Recueil" of Ternaux, p. 253). See also the Introduction to the "Real Ejecutoria de S. M. sobre Tierras y Reservas de Pechos y Paga. Pertenecients á los Caciques de Axapusco," in "Col. de Doc." of Icazbalceta (Vol. II, p. XIII).

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shall investigate how far individuals, as members of this communal unit, participated in the aggregate tenure.

In the course of time, as the population further increased, *segmentation* occurred within the four original "quarters;" new "calpulli," being formed.[42] For *governmental* purposes this segmentation produced a new result by leaving, more particularly in military affairs, the first four clusters as *great subdivisions*.[43] But these, as soon as they had disaggregated, *ceased* to be any longer *units* of territorial possession, their original areas being held thereafter by the "minor quarters" (as Herrera, for instance, calls them), who exercised, each one within its limits, the same sovereignty which the original "calpulli" formerly held over the whole.[44] A further consequence of this disaggregation was (by removing the tribal council farther from the calpules) the necessity for an *official building*, exclusively devoted to the business of the *whole* tribe alone.[45]

[42] This successive formation of new "calpulli" is nowhere explicitly stated, but it is implied by the passage of Durán which we have already quoted (Cap. V, p. 42). It also results from their military organization as described in the "Art of War," (p. 113). With the increase of population, the original kinships necessarily disaggregated further, as we have seen it to have occurred among the Qquiché (See "Popol-Vuh" quoted in our note 7), forming smaller groups of consanguinei. After the successful war against the Tecpanecas, of which we shall speak hereafter, we find at least twenty chiefs, representing as many kins (Durán, cap. XI. p. 97), besides three more, adopted then from those of Culhuacan (Id. pp. 98 and 99). This indicates an increase.

[43] "Art of War, etc.," pp. 115 and 120.

[44] Torquemada (Lib. III, cap. XXIV, p. 295). "I confess it to be truth that this city of Mexico is divided into four principal quarters, each one of which contains others, smaller ones, included, and all, in common as well as in particular, have their commanders and leaders . . . ." Zurita ("Rapport," p. 58-64). That the smaller subdivisions were those who held the soil, and not the four original groups, must be inferred from the fact, that the ground was attached to the calpulli. Says Zurita (p. 51.) "They (the lands) do not belong to each inhabitant of the village, but to the calpulli which possesses them in common." On the other hand Torquemada states (Lib. XIV, cap. VII, p. 545): "that in each pueblo, according to the number of people, there should be (were) clusters ("parcialidades") of diverse people and families . . . . These clusters were distributed by calpules, which are quarters ("barrios"), and it happened that one of the aforesaid clusters sometimes contained three, four, and more, calpules, according to the population of the place ("pueblo") or tribe." The same author further affirms: "These quarters, and streets, were all assorted and levelled, with so much accuracy, that those of one quarter or street could not take a palm of land from those of another, and the same was with the streets, their lots running (being scattered) all over the pueblo." Consequently, there were no communal lands allotted to the four great quarters of Mexico as such, but each one of the kinships (calpules) held its part of the original aggregate. Compare Gomara (Vedia, Vol. I, "Conq. de Méjico," p. 434. "Among tributaries it is a custom, etc., etc.," Also p. 440). Clavigero (Lib. VII, cap. XIV). "Each quarter has its own tract, without the least connection with the others."

[45] Compare Durán (Cap. XI, p. 87). Acosta (Lib. VII, cap. XXXI, p. 470). It appears as if the "tecpan" had not been constructed previous to the middle of the 14th cen-

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This building was the "*tecpan*"[46] called, even by Torquemada "house of the community;"[47] it was, therefore, since the council of chiefs was the highest authority in the government, the "council house" proper. It was erected near the centre of the "pueblo," and fronting the open space reserved for public celebrations. But, whereas formerly occasional, gradually merging into *regular*, meetings of the chiefs were sufficient, constant daily attendance at the "tecpan" became required, even to such an extent, that a permanent *residence* of the head-chiefs *there*, resulted from it, and was *one of the duties of the office*. Consequently the "tlacatecuhtli," his family, and such assistants as he needed (like runners), dwelt at the "official house." But this occupancy was in no manner connected with a possessory right by the occupant, whose family relinquished the abode, as soon as the time of office expired through death of its incumbent. The "tecpan" was occupied by the head war-chiefs only as long as they exercised the functions of that office.[48]

tury,—the meetings of the tribe being previously called together by priests, and probably in the open space around the main house of worship. The fact of the priests calling the public meetings is proved by Durán (Cap. IV, p. 42). Acosta (Lib. VII, cap. VII, p. 468). Veytia (Lib. II, cap. XVIII, pp. 156, 159. Cap. XXI, p. 186). Acosta first mentions "unos palacios, aunque harto pobres." (Lib. VII, cap. 8, p. 470), on the occasion of the election of the first regular "tlacatecuhtli:" Acamapichtli,—Torquemada says (Lib. XII, cap. XXII, p. 290), that they lived in miserable huts of reeds and straw, erected around the open space where the altar or place of worship of Huitzilopochtli was built. The public building was certainly their latest kind of construction.

[46] From "tecuhtli" chief, and the affixum "pan," denoting a place. Therefore "place of the chiefs." Molina translates: "casa ó palacio real, ó de algun señor de Saluo" (II. p. 33). The word is also found in the Qquiché of the "Popol-Vuh" (p. 306). "Qui tiepan quib"—Mr. E. Brasseur de Bourbourg acknowledges the Mexican origin of the word, and renders it by "to divide into quarters," although he says that in Mexican it signifies: palace or municipality.

[47] Torquemada (Lib. III, cap. XIV. pp. 269 and 270). "Tecpancalli, que quiere decir, los Palacios Reales, ó el Alcaçar, y casas de Señorio" (Id: Lib. VII, cap. XXI. p. 119. Lib. XIII, cap. XXX, p. 477). But especially in the Sixth Book, 27th chapter, page 48, when, referring to the statements of Father Bernardino de Sahagun who says, that "being in the city of Xochimilco, he heard one night, etc. etc. . . . . and that inquiring next day why that shouting had taken place,—the Indians answered, that from the Tecpan, or community (municipal house), they had been calling the macehuales to work."

[48] Nearly every author who attempts to describe minutely the "chief-house" (tecpan) mentions it as containing great halls (council-rooms). See the description of the tecpan of Tezcuco by Ixtlilxochitl ("Hist. des Chichimèques," cap. XXXVI, p. 247. "The palace had two courts, the first and largest one serving as public square and market, for which it is still used at present. The second and interior one, was surrounded by the hall of the royal councils, where the King held two tribunals. In the centre of this court a large brasier was burning, which was never extinguished." Id. cap. XXXVIII), by Torquemada (Lib. III, cap. XXVII, p. 305. Lib. II, cap. XLIV, pp. 146 and 147. Lib. XI, cap. XXVI, pp. 354 and 355).

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About the time these changes occurred, the dignity of "tlacatecuhtli" seems to have become a permanent feature in the govern-

XI, cap. XXVI. pp. 334 and 335). Cortés himself (Vedia, I, carta segunda, pp. 34 and 35), speaks of the great halls contained in what he calls the "house of Muteczuma." Bernal-Dies del Castillo (Vedia II, cap. XCI, pp. 86 and 87), confirms. See also Gomara (Vedia, I, p. 343 and 343. "Adonde él moraba y residia á la continua, llaman Tepac, que es como decir palacio . . . . . — . . . habia en él muchas salas.") Sahagun (Lib. VIII, cap. XIV, p. 302. "El palacio de los Señores ó casas reales, tenia muchas salas.") The tecpan was near the centre of the pueblo. See Gomara (Vedia I, p. 341. "Llegaron pues á un patio grande, recamera de los idolos, que fué casas de Axaiáca.") Cortés (Vedia, I, "Carta Tercera," pp. 74 and 76, etc.).

Bernal-Dies (Vedia, II, cap. LXXXVIII, p. 84, etc.). According to Sr. Icazbalceta ("México in 1554, note 38, p. 182, to the 2d Dialogue of Cervantes-Salázar), the "old houses of Montèzuma"-occupied (about) the square west of the present site of the Cathedral. The "new houses" were in place of where the National palace now stands. It is admitted that the Cathedral occupies the site of the main "teocalli," or the old centre of the ancient pueblo. (Torquemada, Lib. III, cap. XXII, p. 290). The correctness of this is conclusively proven by Sr. Icazbalceta in note 40, to the Second Dialogue of Cervántes (p. 194, and plate on p. 197, also the important dissertation on page 201), and in note 51. Thus the central location of the tecpan at Mexico remains established.

The permanent residence of the head war-chief, of his household, and of some assistants,—at the tecpan, is too frequently related to demand further proof, but it is not superfluous here to investigate the point: that this residence was connected,—not with the *person* and *descendancy* of that chief, but with the *office* alone.

We find it mentioned that the buildings occupied by the Spaniards, when they first came to the pueblo of Mexico were the "house of the father of Montezuma" (Axayacatzin, probably). All the eye-witnesses concur in it and we need not refer to them in detail. There was, consequently, a house where the *kinship of the chief lived*,—aside from the tecpan, for since descent with the Mexicans was in the male line,—the son continued to occupy the dwellings of his father and (with communal living as practised in Mexico), of that father's consanguine relations. (That these sons and descendants were bred up to the ordinary pursuits of life, like any other Indian of Mexico, results from the speech as reported by Sahagun (Lib. V, cap. XV), of an old chief to his sons, wherein he exhorts them to cultivate the mechanical arts, and agriculture, adding the remarkable words, p. 117, "nowhere have I seen that any one may maintain himself through his noble descendancy alone.") In the case of Ahuitzotl, Durán relates (Cap. XLI, p. 257), "all the chief and principal men, with the whole tribe, going to the place where the sons of the Kings and great men were kept ("recogidos"), and where they instructed and furthered them in virtuous things, in the use of arms and good manners. Then they took out (Ahuitzotl) from the others, and brought him to the royal palace." Tezozomoc (Cap. LX, p. 100), speaking of the election of Ahuitzotl says: "and these twelve Mexican chiefs went to bring the King Ahuitzotl from the house of Tilancalco." "And they said nothing to him until they were in the great palace" (Cap. LXI, p. 100). The election of Montezuma, however, gives occasion to that author, for another and very important statement (Cap. LXXXII, p. 143). "For, know ye, that many of the sons of the Kings past, are brought up now, some of which have become singers, others Cuachimecs, others Otomies, and the others are preparing to assume your titles of Tlacatecatl, Tlacochcalcatl, Tlcocyahuacatl, Acolnahuacatl, Hezhuahuacatl, and a number of others who are and dwell in the principal house Calmecac." It is further exposed, how unwise it would be to elect an *unmarried* man, and finally Montezuma was chosen, whose age at that time is given at thirty-four years, and he was taken out of the Calmecac and escorted to the chief house (tecpan). But the strongest evidence results from the fact that the office was *elective*, and not hereditary. How, while the incumbent of an office changed, could the family of his predecessor still remain in possession of the official building?

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ment of the Mexican tribe.[49] Nearly at the same time also, the
[45] Mexicans felt the necessity of opening communications with the tribes inhabiting the shores of the great marsh in the midst of which they were living,—in order to obtain some of the commodities produced or held by these tribes. Strong enough for *defence*, but too weak yet for *offence*, the Mexicans approached cautiously their nearest and most powerful neighbors, the Tecpanecas, with the view of securing permission to trade and barter, also for the purpose of obtaining the use of one of the springs of the mainland. This permission was granted, on condition that the Mexicans should pay a certain tribute. This was, however, no kind of feudal prestation, not being in the least connected with the tenure of the soil or occupancy of the territory,—but simply like unto a toll or tax placed on the faculty of barter. The further condition of military assistance being, in all likelihood, also exacted, the Mexicans thus became, not the subjects as it is commonly stated, but the weaker allies of the Tecpanecas.[50]

[45] [49] "We have previously alluded (note 22), to the fact that, anterior to Acamapitzin, the series of Mexican head-chiefs appear broken, whereas from the latter onward the office is reported as having been regularly filled. From that time on the term "palacio," as *connected with the office*, appears in the Spanish historians. See Durán, Tezozomoc, Acosta and Torquemada. (Especially "Monarchia Indiana," Lib. II, cap. XIV, p. 98).

"All the authors agree upon the fact that the early life of the Mexican tribe on the site of Tenuchtitlan was one of secluded poverty, even of misery. See especially Torquemada (Lib. II, cap. XI, pp. 92 and 93). "In this place they settled ("se ranchearon") erecting poor and small habitations, surrounded by canes and grasses, called by them Xacalli, . . . where they spent their life miserably, the place being poor and destitute, and as people abandoned and poor, persecuted by all the inhabitants of the mainland, they subsisted upon roots of Tulli and other herbs, which grew on the place and on its surroundings." Then they began to fish. (See also Tezozomoc, cap. III. Durán, cap. V. Clavigero, Lib. II, cap. XVII. Sahagun, Lib. X, cap XXIX, pp. 145 and 146. Veytia, Lib. II, cap. XV, p. 142). Durán and Tezozomoc both assert, that their first step, when the population began to increase, was to seek for traffic, which could only be secured through some kind of connection with their nearest and most warlike neighbors, which at that time were the Tecpanecas. ("Hist. de las Yndias de Nueva España," cap. V, pp. 41 and 42. "Empero juntandose todos en consejo ovo algunos que fueron de parecer que con mucha omildad se fuesen à los de Azcaputzalco y á los Tepanecas, que son los de Cuyuacan y Tacuba, y que se les ofreciesen y diesen por amigos y se les subjetasen con intencion de pedillos piedra y madera para el edificio de su ciudad . . . ." "Crónica Mexicana," cap. III, p. 9. It was finally agreed to barter, with as little concession as possible on their part). Most of the other authors have transformed this alliance with the Tecpanecas into a feudal allegiance, resulting from the occupation of the soil and from intermarriage. Both are disproved by Durán (Cap. V, p. 41: "pues era sitio y termino de los de Azcaputzalco y de los de Tescuco; porque allí llegaban los terminos del uno y del otro pueblo, y por la otra parte del mediodía, terminos de Culhuacan; . ." "y que como señores y a de aquel sitio, sin hacer bux ni reconocer subjecion à ninguno, pues su dios les avia dado aquel sitio, fuesen y comprasen piedra y madera, etc., etc.") and Tezozomoc (Cap. III, pp. 9 and 10).

Even Torquemada acknowledges the fact, that the Mexicans were originally independent (Lib. II, cap. XI), and that they were connected with the Tecpanecas through trib-

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Through the establishment of direct relations with the outside, not only the public business of the Mexicans was increased, but, for the interchange of commodities, a standing market became indispensable. The pueblo of Mexico, formerly shunned by strangers, was now visited by delegations from neighboring tribes, and especially by traders. *Indian hospitality* required that these visitors should be harbored as guests, and the official house of the tribe was the place where this hospitality was afforded; it being the duty of those who occupied it to lodge and feed the strangers.[51]

nis (Lib. II, cap. XV, p. 99), a statement flatly contradictory. In his previous description of the early conditions of the tribes, he represents the Mexicans as outcasts, upon which no other tribe had any claim (pp. 92 and 93). No attempt was made to conquer them, since their retreat was too impenetrable (Torquemada, Lib. II, cap. XI, p. 93. Mendieta. Lib. II, cap. XXXIV, p. 146),—therefore their intercourse with the tribes of the mainland was *voluntary* (Acosta, Lib. VII, cap. VII, p. 467), and necessarily took the form of alliance or league. In this case *military assistance* was the main point. And indeed we do find, in what we may call the "Tezcucan" chroniclers, like Ixtlilxochitl, Torquemada, Veytia, and Clavigero, the Mexicans assisting the Tecpanecas (vide "Histoire des Chichimèques," cap. XV, p. 102. Cap. XVI, p. 108. Cap. XX, pp. 131 and 133. "Monarchia Indiana," Lib. II, cap. XIX, p. 108. "Historia Antigua de Méjico," Lib. II, cap. XXVIII, pp. 236, 237, 238. Cap. XXIX, pp. 241-243. Cap. XXX, p. 250. "Storia de Messico," Lib. III, cap. VIII). Bustamante ("Tezcoco en los ultimos Tiempos," p. 2), who claims to follow Boturini, confirms. The military achievements of the Mexicans in the wars between the Tecpanecas and Tezcucans are not even claimed by these authors as a *due service*, but as the actions of *allies* or *confederates* of the former.

[51] Cortés ("Carta Segunda," p. 35, in Vedia I). "The manner of his service was (of Montezuma), that every day at sunrise, about 600 Lords and leading men were in his house, which either seated themselves, or some walked around in some halls and corridors therein contained, and there remained and spent their time without entering where he was. And their servants and persons accompanying them filled two or three great courts ("patios") as well as the street, which was very large. They remained there without leaving it until night. And at the time they served to eat to the said Muteczuma, they also served all these Lords as well as their attendants. The supplies or stores ("la dispensa y botilleria") were open daily to all those who wished to eat and drink." See also Sahagun (Lib. IX, cap. I, to V, concerning the receptions to traders, by the head-chiefs). Torquemada (Lib. II, cap. LIXIX, p. 231. He states that all his subjected chieftains, 3,000 in number, their attendants included, ate at "his court." Lib. XIV, cap. I, p. 534, speaking of the messengers, says that they were lodged at the "Calpixca" or house of the community. In another place he mentions that house as the "Tecpan." See note 47). Durán describes several religious solemnities, at which the chiefs of neighboring tribes assisted, which the head-chief of Mexico had *to entertain* (Cap. XX, pp. 175 and 176. Cap. XXIII, p. 195. The chiefs of Tezcuco, Tacuba, Chalco, Xuchimilco, etc., etc., were invited to attend, and on their coming they were quartered in the royal houses ("*fuéron aposentados en las casas reales*"). Idem, cap. I, III, pp. 416-421. Cap. LIV, p. 428. The delegates from Chalco, Tlaxcallan, Cholullan, etc., etc., were lodged at the Tecpan ("*en su mismo palacio real*"). Cap. LVIII, p. 459). Tezozomoc (Cap. XXI, p. 33. Cap. LXI, p. 101, wherein Ahuitzotl is especially enjoined to "give to eat to his people." Cap. LXXXII, p. 144, "y los vasallos recibidos como á tales tributarios, aposentandoles, vistiendoles y dándoles lo necesario para las vueltas de sus tierras . . . . . con los viejos y viejas mucho amor, dándolos para el sustento humano: regalados los principales teniendóles en mucho, y dandóles la honra que merecen: *llamarlos cada dia al palacio que comian con vos.*" This indicates that the hospitality was obligatory, etc.). Zurita ("Rapport, etc.," p. 65). Herrera (Dec. III, lib. IV, cap. XXII, p. 128).

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174 With continued increase of the population, the "tecpan" alone
344 did no longer suffice, thus each "calpulli" erected, within its own area, its own council place for the transaction of its interior business, lodging in it, after the model of the "tecpan," its own chief-men, and exercising there its share of the general hospitality. So Mexico became dotted with public constructions, necessarily distinguished by their size and arrangement from the rest of the buildings.[52]

[344 The chiefs and their families who resided in the official houses,
574 and upon whom devolved the exercise of public hospitality,—con-
643 tinued to participate for their share in the use of the soil held and
651 cultivated by the "calpulli" to which they belonged by descent. But whereas formerly they could improve these lands *themselves*, this became impossible with the increase of public business, and the task of cultivating them devolved, first upon their children and families, afterwards, when even these were required for the duties of the official household,—*upon the other members of the kin.* This was done, not in token of vassalage, but as a remuneration for the public services of the chiefs. The same took place in regard to the "tecpan" and its occupants. With the increase of intercourse, however, the scanty crops raised in this manner became insufficient, and a regular contribution, by each member of the different kinships, towards maintenance of the chiefs and the visitors they had to entertain, was instituted. Certain expanses were set aside, to be worked by communal labor, the products of which were exclusively devoted to what we may term "official purposes." Thus not only was there a tax created, voluntarily by the tribal components, for public purpose, but a new feature was introduced in the distribution of the soil. The mode of tenure,

[618] [52] These houses, sometimes called "calpulli," at other times "calpixca," were the *private palaces*, which the Spanish authors mention. They were but "official buildings;" probably connected with storehouses. As the tribe had its tecpan, so each calpulli, or localized kinship, its own council-house. This results from the organization of the kinship. See also "Art of War," pp. 103 and 104. What distinguished these constructions from the common house or abode ("calli"), were the halls ("salas"), and the "tecpan" was further distinguished by a lookout or tower. (Durán, cap. XXVI, p. 213. Tezozomoc, cap. XXXVI, p. 56). This distinction places it parallel to the so-called "palace" of Palenqué in Chiapas. Compare further: Zurita ("Rapport, etc.," p. 62). "At the annual gatherings, they (the chiefs of the calpulli) distribute gratuitously food and drink, to keep the Indians in good humor." Herrera (Dec. II. lib. VII. cap. XIII, p. 190). If we were to believe the picture presented of Mexico by the authors of the 16th and 17th centuries, Mexico would have possessed innumerable edifices of that kind.

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however, was not changed, and no hereditary rights of property were called into existence in favor of the chiefs or their descendants.[a]

For nearly a century after the first settlement of the Mexicans

[a] No mention is made of any tax or tribute gathered for official purposes among the Mexicans until under the last Montezuma, when it is generally admitted, as Gomara says: "That all tributed to the chief of Mexico" ("Conq. de Méjico," p. 345, Vedia, I). Without accepting the views expressed by Robertson ("History of America." Book VII, p. 291. Vol. III, 9th Edition, 1800), who ascribes to the influence of Montezuma a change in the plan of government of the Mexican tribe,—it still appears but natural that as long as the tribe was weak in numbers and resources, the original or typical form of communal Institutions prevailed, whereas with increased population and consequent increase of governmental labor the members of the tribe were compelled to provide for the maintenance of their officers and their families. The first step was to cultivate such patches of land for them as they held being members of some calpulli. These lands were the "pillali," commonly treated of as "patrimonial estates." Torquemada, however, says (Lib. XIV, cap. VII, p. 546): "Another kind of lands they called pillali, or, so to say: Lands of Knights ("hidalgos") or nobles. Of these there were two kinds. In the first case the land was inherited with the nobility, and in the other, the chief gave lands to such as had achieved distinction and valor in war, and were ennobled therefor. To these the chief gave lands for their sustenance, but they could not hold renters ("terrazgueros") but might sell to other chiefs, as if the conditional gift from the chief had not existed: and neither of these two classes could dispose of their tracts to any macehual (common man—perhaps from "maitl"—hand, and "cenalli"—shade,—the hand of some one who gives protection or shade), for in that case they lost them, and the chief entered in their possession. *and they were applied to the calpulli in whose area they were located, in order that the said cluster might pay tribute according to the quantity of land contained;*—also, if any one of them died without heirs, the chief inherited" Herrera (Dec. III, lib. IV, cap. XVII, p. 138). "These were lands which went with the Lordship, and which they called lands of the Lordship, and of these the Lords could not dispose, but rented them as they might and the *rents were used in the house of the King, because there, besides all the principals, also ate the travellers, and the paupers*, for which service the Kings were much honored and obeyed. What these rents did not furnish, was supplied by their patrimonial estates." Veytia (Lib. III, cap. VI, p. 195). "For the present we shall but say, that in each pueblo and place there was a tract of land of best quality, which was of the Kings or Lord of the estate . . . . . For the sowing and working of these lands the calpixque, an officer of the republic (state) in each pueblo, daily designated the common people who had to work them, and all the fruit belong integrally to the chief for *the maintenance of his house.*" Ixtlilxochitl (Hist. des Chichim. cap. XXXV, pp. 242, 243 and 244). Bustamante ("Tezcoco en los Ultimos Tiempos, etc." Part III, cap. V, p. 234, etc.). Oviedo ("Hist. gen. y nat." lib. XXXIII, cap. LI, p. 536, of 3d vol.) Now we have already established, that individual tenure of the soil was unknown, it is further proved that the offices were non-hereditary, we cannot fail, therefore, to recognize. 1°. In the "pillali" of Torquemada the original "chinampa" held by chiefs as members of a kinship.

2°. In the tracts of Herrera and Veytia "official lands," specially reserved for the grants of official houses and their occupants. These lands went "with the office."

No date can be assigned to the introduction of this new feature among the Mexicans but we cannot help being struck by the fact that the Tezcucan chroniclers make special mention of it, connecting it with the time when Nezahualcoyotl became chief of Tezcoco (See Ixtlilxochitl "Hist. des Chichim." cap. XXXV. Veytia, Lib. III, cap. VI, p. 196, Bustamante, Part III, cap. V). The connection is *implied* rather than *expressed*, and but *excuses* the suggestion: that such a change might have occurred about the close of the fourteenth and beginning of the fifteenth centuries. Of course we allude here to the Mexicans alone, and not to the tribes of the mainland.

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174 in the lagune, they were confined to their original area and to such
648 artificial garden-beds as they accumulated around it. Meanwhile their allies on the mainland, the Tecpanecas, were making themselves formidable in warfare to the other tribes; the Mexicans assisting. The moment arrived however, when the latter, having secured a defensive position, acquired military experience and greater strength, sought to free themselves from the tax which had heretofore burthened their trade and barter. War ensued, and the Mexicans, now in turn supported by enemies of the Tecpanecas, completely overthrew the power of the latter tribe. By this victory, they not only secured a foothold on the mainland, but became at once one of the ruling tribes of the western valley of Mexico.[54]

728 The only territorial accession gained by the Mexicans, in fact the only one claimed by them, appears to have been the hill of Chapultepec. They already had the use of the springs rising there, now they acquired their full and unincumbered possession.[55] The remainder of Tecpanecan territory was left to that tribe intact, and in no manner annexed to that of Mexico. The organization of the tribe, its government, and distribution of the soil, remained equally undisturbed. No Mexican representatives were delegated to rule Azcaputzalco or Cuyuacan. But the Mexicans in turn subsequently controlled the military power of the conquered tribe, and, besides, it was thereafter held to tribute. This

[54] Durán (Cap. IX and X). Tezozomoc (Cap. VII. VIII. IX. X. XI, XII, XIII. XIV and XV). Acosta (Lib. VII, cap. XIII and XIV). Herrera (Dec. III, lib. II, cap. XII and XIII). Ixtlilxochitl (Hist. des Chichim.," Cap. XXX, XXXI and XXXII). Torquemada (Lib. II, cap. XXXV, XXXVI and XXXVII). Veytia (Lib. II, cap. I, LI. LII. LIII and LIV). Clavigero (Lib. III, cap. XVII, XVIII and XIX). Bustamante (Part I. cap. XXIII). Prescott ("History of the Conquest of Mexico," Book I, cap. I, pp. 15 and 18).

721 [55] It is even stated that the petition of the Mexicans for stone and wood to construct therewith a channel leading from Chapultepec to their pueblo, was the cause of the war. See Durán (Cap. VIII, p. 63). Tezozomoc (Cap. V, pp. 11 and 12). Acosta (Lib. VII, cap. II, p. 478. "Con esta ocasion, ora sea que ellos de proposito lo buscassen, para romper con los Tepanécas, ora que con poca consideracion se moviessen, al efecto embiaron una embaxada al Rey de Azcapuzalco muy resoluta diziendo, que del agua que los auia hecho merced, no podian aprovecharse, por auerseles desbaratado el caño por muchas partes. por tanto le pedian los proviniésse de madera, y cal, y piedra, y embiasse sus oficiales que con ellos hiziessen un caño de cal y canto que no se desbaratasse.") Chapultepec remained specifically Mexican soil thereafter, it being the source of fresh water for the pueblo of Mexico. When Cortés moved against the tribe the second time, he seized the hill after a short but desperate struggle. (Cortés "Carta Tercera," p. 71, Vedia I. Bernal-Diez, cap. CL, p. 176, Vedia II. Clavigero, Lib. X. cap. XVII). See also Icazbalceta, in his Introduction to the 3d Dialogue of Cervántes-Salazar ("Mexico in 1554," pp. 236 and 237). Veytia (Lib. III, cap. I, p. 142, of 3d vol.). Bustamante ("Tezcoco en los últ: Tiempos." Parte IIa, cap. I, p. 148).

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tribute was gathered by stewards, the only Mexicans permanently residing on Tecpanecan soil, and it was distributed in accordance with the tribal organization: among the calpules for the use of their public households and of their individual members, and to the "tecpan" for the maintenance of the tribal government and business; out of the former, a certain share was reserved for the purpose of religious worship.[56]

This tribute consisted of objects held and acquired by the Tecpanecas through trade, war and their own manufacture. But it also included the products of their *horticulture*. These had to be raised annually either on their own garden-beds, or on a certain expanse reserved in each "calpulli" for the production of tribute. The Tecpanecas having the same system of distribution of the soil as the Mexicans, and the kindred group being the unit of their organization also, the latter method was naturally resorted to. Therefore in each one of the areas held by the calpules of the conquered tribe, a certain plot was set off, to be tilled in common by the members of the kin, for the benefit of their conquerors.

[56] Acosta says (Lib. VII, cap. XIII, p. 483), that they took all the lands for themselves: "with this, those of Azcapuzalco were left so poor, that they had not even crops of their own." Durán (Cap. IX, p. 79. "They went to Azcapuzalco and seized ('se entregaron') its lands and distributed them among themselves.") Tezozomoc (Cap. IX, p. 16 and 17). It is difficult to connect these and similar statements with the positive facts asserted by Zurita (Rapport sur les différentes classes de chefs de la Nouvelle Espagne.") "The sovereign of Mexico had beneath him, in all matters relating to warfare, those of Tacuba and of Texcuco; in regard to all others, their powers were equal, so that neither of them intervened in the government of the others" (p. 11),— by Veytia (Lib. III, cap. III, p. 161), and even by Ixtlilxochitl ("Hist. des Chichim.," Cap. XXXIV, p. 233), which establish the complete *territorial* independence of the Tecpanecas from the Mexicans; even after their defeat. Durán also says (Cap. IX, p. 77): that the Tecpanecas promised tribute and lands. Tezozomoc (Cap. IX, p. 16) confirms, stating that they offered tribute, personal service, and assistance in war. We cannot conciliate these different reports except by admitting that the Tecpanecas submitted to the ordinary manner of Indian conquest, namely: to tribute, to military aid, and for the purpose of tribute, to the reservation of certain tracts whose crops were to go exclusively to the conquerors. Of the latter we have positive proof. See Durán (Cap. IX, p. 79). Tezozomoc (Cap. IX, p. 17). Only these authors mention that these tracts went to persons or individuals. But how is this possible, since no individual possession of land appears in Mexico, at the time of the conquest even; as we shall see further on. The tracts in question must, therefore, have been given to such persons as representatives of certain kinships, or "calpules," as Tezozomoc intimates, saying (Cap. XV, p. 21): "and let us distribute the lands among all of us, in order to hold of them some pastime and sustenance for us, our children and heirs." Besides, Durán asserts: that the division took place for the benefit of the chiefs, and of the quarters ("barrios," or calpules), which tends to prove that there were "official lands" and "lands of the kinship" set off for the conquerors on the conquered territory. That a portion of the latter provided for religious purposes, is established by Acosta (Lib. VII, cap. XIII, p. 483), and by Durán (Cap. IX).

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651 The crops raised thereon were again apportioned by the latter among themselves as we have explained previously, but they did not acquire any title to the *possession*, still less to the *ownership* 000 of the soil itself.[57] Once started on their career of conquest, the

728 [57] See Durán (Cap. IX. p. 79 and 80). Tezozomoc (Cap. IX, p. 18. "Para amansar y traher á paz á los Mexicanos que tan pujantes y orgullosos estavan contra los Tecpanecas, digéron estos: señores Mexicanos, como vencidos que somos de vostros, y os tenemos dadas nuestras hermanas y hijas que os sirvan y nuestras mugeres, y nos proferimos á vasallage, y de todas las veces que fuéredes en guerras y batallas con estrañas, irémos nosotros como vasallos, y llevarémos á cuestas vuestro matalotage, y llevarémos á cuestas vuestras armas, y en caso que en las guerras, algunos, ó alguno de los Mexicanos muriere, nos proférimos á traheros los cuerpos cargados á vuestra tierra, ciudad, á ser con honra enterrados, y venidos que seais de las guerras, y antes y despues barerémos, y regarémos, vuestras casas, tendrémos cuidado de vosotros con nuestro servicio personal, pues asi estamos obligados conforme á usanza de guerra, y nosotros de servidumbre." The Mexicans then spoke to themselves and said: "you now have heard the promises, subjection, and domination to which the Tecpanecas of Azcaputzalco submit, offering to give us wood, planking, stones and lime for our houses, to plant for us maize, beans, calabashes, spices of the country, chile, and tomate, and to be our servants, and the principals of them to become our stewards . . . .") This expresses about the amount and measure of subjection of one tribe to another. Zurita further informs us (pp. 66 and 67). "When the Kings of Mexico, Tezcuco and Tacuba conquered a province, they used to retain all the native chieftains in their offices; whether they were supreme or but inferior. The people always kept its property, finally the usages and customs of the established government were respected. These sovereigns designated territories proportionate to their conquests: the vanquished tilled them in common and made plantings appropriate to the soil. This kind of tribute, or homage ("homage-lige"), was paid to officers ("des intendants") established by the sovereigns of Mexico, of Tezcuco, or Tacuba, according as the vanquished had become vassals of one or of the other prince. Besides, they were liable to military service, which obligation rested indiscriminately on all the conquered provinces. The chiefs remaining Lords as before the war, preserved civil and criminal jurisdiction in the full extent of their domain." Nevertheless, we have detailed reports about certain lands having been applied by the Mexicans to certain chiefs (Tezozomoc, cap. XV, p. 24): it was done at the time that such chiefs received certain titles or dignities. These titles and dignities, however, were not hereditary, but elective (Durán, cap. XI, p. 103). "To these four chiefs and titularies, after they were elected princes) they made them belong to the royal council as presidents and members ("oydores") of the supreme council, without whose opinion (or consent, advice "parecer") nothing could be done, and the King being dead, from these and no others his successor had to be chosen, and neither could they be placed in such positions unless they were sons or brothers of Kings, and thus, if one of these four had been promoted, they put another one in his place, and it is to know that they never chose a son of him whom they elected for King, or of him who died, because as I have said, the sons did not obtain the titles through inheritance, but by election. Thus, whether son, brother, or cousin, if the King and his council elected him to any title, it was given to him,—it being sufficient that he belonged to that lineage and was a near relative, and thus the sons and brothers went succeeding little by little, and the title and Lordship remained in that generation (descendancy), being elected successively. These Lords had vassals who to them paid tribute, small pueblos, rented lands ("estancias terragueros") that gave them all kinds of supplies and clothing . . . . ." It is also stated that the Mexicans, when they conquered the Tecpanecas, distributed of their lands to the quarters (Cap. IX. p. 79. Durán,—and Acosta, Lib. VII, cap. XIII, p. 488. "Señalaron tambien tierras de comun para los barrios de Mexico a cada uno las suyas, para que con ellas acudiessen al culto y sacrificio de sus dioses.")

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Mexicans, supported by their allies, sought to extend their power. The tribes of the southeast, the Xochimilcas, the Chinampanecas, (also called the four chieftaincies: "Nauhteuctli") were the first to become their prey. Their fate, after they had once submitted, was the same as that of the Tecpanecans. The territory was not annexed, neither was the organization changed. But they were held to military assistance, and especially to tribute. The latter drew forth, as a consequence, the establishment of tribute-lands, like those which we have already met with at the close of the Tecpanecan war.[58]

When finally, after a contest of unusual length and bitterness, the tribe of Chalco also had to submit to the same conditions of tribute and warlike control,[59] — the Mexicans were really the leading power of the valley.[60] Their means of subsistence, besides, had greatly increased through tribute, among which the crops of the tribute-lands were most conspicuous — as well as through trade. One single tribe of the "Nahuatl" of the valley remained unsubdued, the Aculhuas of Tezcuco. Instead, however, of engaging in a deadly conflict, the result of which might have been equally

If we attentively consider the above, we find:

(1). That no change was made in the tenure of lands, and no conversion of the Tecpanecan territory into a Mexican domain was effected by the conquest.

(2). That certain expanses were set aside, which continued to be held by the conquered, and worked by them after the usual communal plan, but whose crops went exclusively towards the *tributs*.

(3). That these crops were divided, corresponding to the organization of the Mexicans, — between the official requirements — ("tecpan" —) ("calpulli" as official house for the quarters) — the people (quarters "barrios,") and worship. The analogy with Peru (Inca, worship and people), is striking.

The distribution of lands to certain chiefs therefore, mentioned in connection with the conquest of the Tecpanecas, simply indicates that these lands were applied to the maintenance of such offices, and not an hereditary "fief" to a certain family. Durán positively expresses, that the office belonged in the "kin" ("lignea" — "generacion,") and was not hereditary. The lands therefore pertained to the office as a governmental feature of the kinship or calpulli, and not to the person or offspring of any incumbent. In the same way, certain tracts (or rather their crops), went to the tecpan or its occupants, as a governmental feature of the *tribe* (Bustamante, Parte III cap. V, p. 233).

[58] Durán (Cap. XII, Id. XIII, p. 114. XIV, p. 122). Tezozomoc (Cap. XVII, p. 28, XVIII, p. 29), and Acosta.

[59] Durán (Cap. XVII, p. 152). Tezozomoc (Cap. XXVI, pp. 39 and 40). Acosta (Lib. VII, cap. XVI, p. 403), etc. etc.

[60] Out of the five Nahuatl tribes who had originally settled in the valley of Mexico, three were then subjected to the Mexicans. Consequently the Tezcucans or Aculhuacans alone remained. Territorially, the latter probably covered the larger expanse, but the Mexicans and their allies had the advantage in position and numbers.

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disastrous for both parties, negotiations commenced, terminating with the formation of a *military confederacy*, under the *leadership* of Mexico.[61]

It appears that in this, as in all other transactions of the same nature, mutual concessions had to be made. Thus, while the Tezcucans conceded the military command to the Mexicans, the latter had to admit into the confederacy that part of the Tecpanecas who, since the destruction of Azcaputzalco, recognized in Tlacopan (Tacuba) their chief pueblo. Through *tezcucan* influence it is even probable that the tribute heretofore paid to the Mexicans by that tribe, was relinquished by the former.[62]

The following seem to have been the leading features of the confederacy.

It consisted of the three tribes of Mexico, Tezcuco and Tlacopan. Each of these tribes was territorially independent; as well as in the management of its own affairs: from the two others.[63]

The military command of the forces belonged to the head-war-

[61] Durán (Cap. XIV, p. 124. Cap. XV, pp. 125–132), mentions a *sham* fight between the Mexicans and Tezcucans, ending in a confederacy. Acosta (Lib. VII, cap. XV, p. 490), confirms. Herrera (Dec. III, lib. II, cap. XIII, p. 64), speaks of a voluntary "submission" by the Tezcucans. Tezozomoc (Cap. XIX and XX), asserts that the Tezcucans were actually conquered by the Mexicans. On the other hand, Ixtlilxochitl ("Hist. des Chichim." Cap. XXXIV). Torquemada (Lib. II, cap. LVII, p. 173). Veytia (Lib. III, cap. V). Bustamante ("Tezcoco" Parte IIa. cap. V), affirm that a fight took place, in which the Mexicans were worsted, and after which the Tezcucan feudal "empire" was firmly established. The truth probably lies between the two extremes, and is recognized as such by Torquemada (Lib. II, cap. LVII, p. 173). Durán (Cap. XIV, p. 124), and finally expressed by Zurita ("Rapport," p. 11), as follows: "The sovereign of Mexico was superior to those of Tacuba and Tezcuco in matters touching warfare; in all others, their powers were equal, so that neither of them meddled with the government of the others." Herrera has adopted this view, copying almost textually (Dec. III, lib. IV, p. 123, of chapter XV).

[62] The only confession found in specifically Mexican authors on the subject of the Tecpanecas of Tlacopan is the quotation from Durán (Cap. XIV, p. 123). But Ixtlilxochitl ("Hist. des Chichim.." Cap. XXXII, pp. 218 and 220.) says: "It is plainly visible from this song that the three dynasties named were the principal ones of Mexico, and that the King of Tlacopan was regarded as equal to those of Mexico and Tezcuco.") Torquemada (Lib. II, cap. LVII, p. 173. Cap. XXXIX, p. 141). Veytia (Lib. III, cap. III). Clavigero (Lib. IV, caps. II and III), and Bustamante (Parte IIIa. cap. II, pp. 161, 162 and 163).— All are positive in affirming that the Tezcucans insisted upon having the Tecpanecas as a third member. The Mexican authors not contradicting, and impartial sources, like Zurita and Herrera,— establishing the fact of equality of power, and territorial autonomy (See note 61), we, therefore, feel justified in recognizing the fact as established.

[63] Alonzo de Zurita ("Rapport sur les différentes classes de chefs de la Nouvelle-Espagne," p. 11).

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chief of the Mexican tribe, with power probably to delegate the same.[64]

Each of the three tribes elected its head war-chiefs according to its own customs; but the installation in office, *the investiture*, took place with the concurrence of the head-chiefs of the other tribes. This was especially the case in Mexico, where the "tlacatecuhtli" became commander-in-chief of the confederacy.[65]

Each tribe could carry on its own wars, defensive as well as offensive, independently; but if required, the others had to assist, in which case the Mexicans took the lead.[66]

Consequently, each tribe could have its *own conquests*, and levy its *own tribute* upon tribes which it had conquered *alone*.[67]

But wherever the *confederacy* had subjugated a foreign tribe, the spoils as well as all the subsequent tribute were divided among the three members as follows: Mexico and Tezcuco each two-fifths, and Tlacopan one-fifth.[68]

The establishment of this confederacy did not, in any manner whatever, alter the principles already recognized for the tenure and distribution of the soil. It only shows, and the subsequent career of the confederation further supports it, that these principles were common among the three tribes concerned. Wherever their conquests extended, the conquered were not annexed, but simply subjected to tribute, their territory and tribal autonomy were preserved, and no change introduced in the distribution of the soil beyond the reservation of tracts for the raising of tribute. Stewards, "calpixca," were the only representatives of the confederacy or of any of its members, residing permanently with the

[64] Zurita (p. 11). Herrera (Déc. III, lib. IV, cap. XV, p. 133).

[65] Mendieta (Lib. II, cap. XXXVII, p. 133). Torquemada (Lib. XI, cap. XXVI, p. 333). Durán (Cap. XXXII, p. 233; cap. XXXIX, p. 303; cap. XLI, p. 325; cap. LII, p. 409). Tezozomoc (Cap. XLI, p. 93; cap. LVI, p. 91; caps. LX and LXI, p. 100; cap. LXXXII, pp. 142 and 143). Ixtlilxochitl ("Hist. des Chichim.," Cap. I, pp. 2 and 3; cap. LX, p. 49; cap. LXX, p. 102). See also Veytia,—but especially Clavigero, who is very positive (Lib. IV, cap. III. "Besides, the two Kings (of Tezcuco and Tacuba), were honorary assistants to the election of the Mexican Kings. They had but to sanction the election . . . .")

[66] Zurita (p. 67). Herrera (Dec. III, lib. IV, cap. XV, p. 133). Torquemada (Lib. XIV, cap. VIII, pp. 546 and 547).

[67] Herrera (Dec. III, lib. IV, cap. XV, p. 133).

[68] Torquemada (Lib. II, cap. LVII, p. 175; cap. XXXIX, p. 144; lib. XIV, cap. VIII, pp. 546, 547 and 548). Zurita ("Rapport," p. 12). Ixtlilxochitl (Cap. XXXII, pp. 219 and 220). Veytia (Lib. III, cap. III, pp. 164 and 165). Bustamante ("Tezcoco, etc.," Parte II, cap. III, pp. 163 and 165). Clavigero (Lib. IV, cap. III).

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423 tributaries.[69] In short, the same treatment to which the Tecpanecas had once submitted, at the hands of the Mexicans *alone*, was the one received by foreign tribes from the confederacy, from the time of its formation down to its overthrow by the Spaniards. All the conquests intervening did not therefore result in the formation of a *state* based upon feudal notions of territorial domain and vassalage, but simply in a conglomerate of scattered tribes often mutually inimical, who looked with terror to the valley of Mexico as the abode of their conquerors. Over these conquerors the Mexicans held military direction, and the name of Mexico, or its equivalent of "Culhua," was best known. As early as 1518, Juan de Grijalva heard it on the coast of Tabasco.[70] This wide diffusion of the *name*, coupled with the still more extensive spread of the language,[71] and the undisguised dread of the natives before that very name, has created in the minds of Europeans the picture of a Mexican nation, state, and feudal Empire; whereas there was nothing else but the military confederacy of the three leading Nahuatl tribes of the valley of Mexico.[72]

423 This rapid sketch of the history of the Mexicans, up to the time when they confederated with the tribes of Tezcuco and Tlacopan, has shown to us that in no case was the notion of public domain, of governmental lands, current among the tribes of Mexico. The tribe held no domain,—conquest of another tribe by it did not (as feudal conditions would imply) convert the conquered territory into an annex or dependency of the conqueror, as far as the possession of the soil was concerned. Finally, the confederacy itself, as such, did not even hold a territory of its own, still less did it claim possession of areas occupied by tributary tribes.

It remains now for us to revert again to the distribution of the

[69] Zurita ("Rapport, etc.," p. 67). "This kind of tribute or allegiance ("homagelige") was paid to officers established by the sovereigns of Mexico, of Tezcuco, or of Tacuba, etc., etc. . . . . The chief remaining sovereign, as before the wars, retained the civil and criminal jurisdiction over all their dominions" (Id. p. 66). Andrés de Tapia ("Relacion, etc." Col. de Documentos," vol. II, p. 579). "Art of War" (p. 100, note 17). Torquemada (Lib. XIV, cap. VIII, p. 547). Veytia (Lib. III, cap. VI, p. 197).

[70] "Itinerario de l'Armata del Re Catholico in India Verso la Isola de Inchathan del Anno M.D. XVIII," in Col. de Docum, vol. I, p. 293, taken from Ramusio. Originally published (1522), in the "Itinerario de Varthema," an exceedingly rare book. Bernal-Diaz ("Hist. verdadera," Vedia II, cap. XI, p. 16).

[71] Orozco y Berra ("Geografia de las Lenguas, etc.," Parte II, p. 83, and the splendid ethnographical chart).

[72] Zurita ("Rapport, etc.," p. 11. "The province of Mexico was subject to three principal chiefs, etc. etc. . . ."

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soil, and to establish its customs at the time when the Europeans first trod the Mexican shore.

We readily distinguish several classes of lands, bearing each a different name, besides the "altepetlalli," or tribal territory or range. The latter was the widest circumscription for which the Nahuatl language had a term. (The word "Anahuac," which is often used, is utterly inapplicable, as we have elsewhere shown).[73] No other idea of tenure was connected with it, beyond that of *tribal occupation*.

Each of the numerous tribal areas, overrun by the confederacy (provided the natives were of a sedentary character), contained what we have ventured to call tribute-lots. The name given to these tracts was possibly "yaotlalli," but rather "milchimalli" ("lands of war," and "shield-lands").[74] As before said, the soil of these tracts was still held in original tenure by the kinships composing the conquered tribe, but the *crops* went towards the tribute. There is no indication about the size of these areas, and they were the only ones directly connected with the conquerors.

Of those tracts whose products were exclusively applied to the governmental needs of the pueblo or tribe itself (taken as an independent unit) there were, as we have already seen, two particular classes:

The first was the "tecpan-tlalli:"—land of the house of the community, whose crops were applied to the sustenance of such as employed themselves in the construction, ornamentation, and repairs of the public house. Of these there were sometimes several within the tribal area. They were tilled in common by special families who resided on them, using the crops in compensation for the work they performed on the official buildings.[75]

[73] Brasseur de Bourbourg ("Ruines de Palenqué," Cap. II, p. 32, and note 10) makes the very sensible remark that the name "Anahuac" did not at all apply to a "state" or "empire," etc., but in general to all countries situated in the neighborhood of considerable bodies of water;—such as lakes or large streams; or the shores of the sea.

[74] Mss. from Simancas "De l'ordre de succession observé par les Indiens relativement à leurs Terres et de leurs Territoires communaux," translated by Mr. Ternaux-Compans in "Recueil de Pièces," etc., pp. 223 and 224. Torquemada (Lib. XIV, cap. VII, p. 546). Clavigero (Lib. VII, cap. XIV. He includes them positively in the soil of the kinships, and treats them as communal lands, the produce of which furnished military supplies). "Yaotlalli" is improper (see "Art of War," p. 135, note 156), but "Milchimalli" is possible.

[75] From "tecpan," chief-house (Molina, Parte II, p. 95), and "tlalli," soil (Id. p. 124). Torquemada (Lib. XIV, cap. VII, p. 546). "There was another class of lands which belonged to the chief's income; and those who dwelt on them and cultivated them were

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651 The second class was called "tlatoca-tlalli"—land of the speak-
423 ers. Of these there was but one tract in each tribe, which was to be "four-hundred of their measures long on each side, each measure being equal to three Castilian rods."[76] The crops raised on such went exclusively to the requirements of the household at the "tecpan," comprising the head-chief and his family with the assistants.[77] The tract was worked in turn by the other members

called Tecpanpouhqui, or Tecpantlaca, which signifies: people of the palace and renters of the King. Such were held to keep in repair the royal palaces, clean the gardens, and to attend to the cleanliness and to the necessities of the royal palaces. They were regarded with much respect, as people most directly connected with the houses of the King. When the Lord sallied forth, they accompanied him, and they paid no other tribute but bouquets ('Itamilletes," flower-bunches) and birds of all kind, which they offered to the King. Such lands descended from father to son, but they could not sell them, nor dispose of them in any way, and if one of them died without heirs, or left the place, his house and lands remained for those of his kin ("parcialidad") to put another in his place, according to the commands of the King, or of the Lord."—Herrera (Dec. III, lib. cap. XV, p. 135).—Veytia (Lib. III, cap. VI, p. 190). "Besides these each pueblo also had other kinds of lands called tecpantlalli, or lands of the palace or rentals of the chief, because its crops also went integrally towards the constructions and repairs of the palaces of the Kings, and towards other expenses aside from the sustenance. The people who cultivated them were also plebeians, but they were set apart for it in each place, and were called tecpanpuhque or tecplantlaca, that is, people pertaining to the palaces, and they could not work any other lands." Ixtlilxochitl ("Hist. des Chichimèques cap. XXXV, p. 242. "There were others known by the name of Tecpantlali, or lands which depend from the palaces of the Lords. The Indians tilling them were called tecpanpouhque, or people connected with the palaces of the Lords"). Bustamante ("Tezcoco," etc., Parte III, cap. V, pp. 233 and 234). Clavigero (Lib. VII, cap. XIV). "The ownership of the crownlands, called Tecpantlalli, remained in the King, but certain gentlemen called Tecpanpouhque or Tecpantlaca, i.e. people of the palace, had the enjoyment thereof. These paid no tribute but flowers and certain birds which they offered to the King in token of allegiance. But they were obligated to keep the royal palace in repair, or to construct new ones if needed; to tend to the royal gardens, and to care for the vassals in their district. It was their duty to attend court, to escort the King, if he appeared in public; and thus they were highly considered. If one of them died, his son succeeded in all his duties, but he lost his rights by removing from the place, in which case the King gave him the use of another tract, or left it to the community, in whose area the land lay, to assign to him another piece."

The above quotations show conclusively that the soil of the "tecpantlalli" was held and vested in the King,* and only the crops went to certain official purposes. The occupants thereof were not serfs, since it is implied that they might remove at their pleasure, but, as any other members of a calpulli, in accordance with what we shall hereafter show, they lost by removal their right of use to that particular tract. They were properly the "official artisans."

[804] [76] Ixtlilxochitl (Hist. des Chichim," cap. XXXV, p. 242). Veitia (Lib. III, cap. VI, p. 185). "This had to be four-hundred of their measures in square ('encuadro,' each side long); each one of these being equal to three castilian rods. . . ." See "Art of War" (p. 944, note 183). "The rod" (vara) is equal to 2.7829 feet English (Guyot).

[77] From "tlatoca" speakers, or "tlatoani" speaker, and "tlalli." Simancas M. S. S. on the customs of succession ("Recueil de Pièces, etc." p. 223). Herrera (Dec. III, lib. IV, cap. XVII, p. 138). "There were other kinds of lands that were attached to the lordship (office), which they called of the lordship, and of these the Lords could not dispose, and rented them to whom they pleased, drawing much rent from them,

*[Erratum, should be "Kin". See 16:Bandelier, cat. 116, p. 663, note 216.—Analyst]

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of the tribe, and it remained always public ground, reserved for the same purposes.[78] 651 423

Both of these kinds were often comprised in one, and it is even not improbable that the first one may have been but a variety of the general tribute-lands devoted to the benefit of the conquering confederates. Still, the evidence on this point is too indefinite to warrant such an assumption.

While the crops raised on the "tecpan-tlalli," as well as on the "tlatoca-tlalli," were consumed exclusively by the official houses and households of the tribe, the soil itself which produced these crops was neither claimed nor possessed by the chiefs themselves, or their descendants. It was simply, as far as its products were concerned, official soil.[79]

The establishing and maintaining of these areal subdivisions was very simple with the tribes of the mainland, since they all possessed ample territories for their wants and for the requirements of their organizations. *Their* soil formed a contiguous unit. It was not so, however, with the Mexicans proper. With all their industry in adding artificial sod to the patch on which 423 311

spending it in the house of the King.") Ixtlilxochitl (Ibid. cap. XXXV, p. 242. "In the best location of the territory there was set off a field, which held exactly four hundred measures in length and breadth. This was called Tlatocatlali or Tlatocamilli that is: land or plantation of the Lord, and also Itonal Yutlacal, or lands on which the inhabitants are compelled to work.") Oviedo (Lib. XXXIII, cap. II, p. 537). Veytia, (Lib. III, cap. VI, p. 125, confirms Ixtlilxochitl almost verbally, adding: "For the sowing and cultivation of these the calpixque, which was an officer of the community in each pueblo, daily designated those who had to attend to it, out of the plebeians and tributaries, and all the crops went to the Lord for the maintenance of his house ('casa' family)." Zurita does not use the term which we have adopted, because he is chiefly struck by the communal tenure, as exhibited in the "calpulalli." The fact of their being communal land, though set off for a special purpose, and *not owned* by the chiefs, is plain.

[78] Veytia (Lib. III, cap. VI, p. 125). It is superfluous to revert to the erroneous impression, that the chiefs might dispose of it.

[79] "Patrimonial Estates" are mentioned frequently, but the point is, where are they to be found. Neither the "tecpantlalli" nor the "tlatoca-tlalli," still less the "calpulalli," show any trace of individual ownership. "Eredad" (heirloom) is called indiscriminately "milli" and "cuemitl" (Molina Parte Ia. p. 57). The latter is also rendered as "tierra labrada, ó camellon" (Molina. Parte IIa. p. 26). It thus reminds us of the "chinamitl" or garden-bed (as the name "camellon" also implies), and reduces it to the proportion of an ordinary cultivated lot among the others contained within the area of the calpulli. It is also called "tlalli," but that is the general name for soil or ground. "Tierras o eredades de particulares, juntas en alguna vega," is called "tlalmilli." This decomposes into "tlalli" soil, and "milli." But "vega" signifies a fertile tract or field, and thus we have again the conception of communal lands, divided into lots improved by particular families, as the idea of communal tenure necessarily implies.

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423 311 they had originally settled, the solid surface was eventually much too small for their numbers, and they themselves put an efficient stop to further growth thereof by converting, as we have seen elsewhere, for the purpose of defence, their marshy surroundings into water-sheets, through the construction of extensive causeways.[80] While the remnants of the original "tecpantlalli" and of the "tlatocatlalli" still remained visible in the gardens, represented to us as purely ornamental, which dotted the pueblo of Mexico,[81] the substantial elements wherewith to fulfil a purpose for which they were no longer adequate had, in course of time, to be drawn from the mainland. But it was not feasible, from the nature of tribal condition, to extend thither by colonization. The soil was held there by other tribes, whom the Mexicans might well overpower and render tributary, but whom they could not incorporate, since the kinships composing these tribes could not be fused with their own. Outposts, however, were established on the shores, at the outlets of the dykes, at Tepeyacac on the north, at Iztapalapan, Mexicaltzinco, and at Huitzilopochco to the south, but these were only military positions, and beyond them the territory proper of the Mexicans never extended.[82] *Tribute*, therefore, had to furnish the 651 means for sustaining their governmental requirements in the matter 423 of food, and the *tribute lands* had to be distributed and divided, so as to correspond minutely to the details of their home organization. For this reason we see, after the overthrow of the Tecpanecas, lands assigned apparently to the head war-chiefs, to the military chiefs of the quarters, "from which to derive some revenue, for their maintenance and that of their children."[83] These

[80] "Art of War" (pp. 150 and 151). L. H. Morgan ("Ancient Society," Part II, cap. VII, pp. 190 and 191).

[81] Humboldt ("Essai politique sur la Nouvelle Espagne," vol. II, lib. III, cap. VIII, p. 50). Nearly all the old authors describe the public buildings as surrounded by pleasure-grounds, or ornamental gardens. It is very striking that, the pueblo having been founded in 1325, and nearly a century having been spent in adding sufficient artificial sod to the originally small solid expanse settled,—the Mexicans could have been ready so soon to establish purely decorative parks within an area, every inch of which was valuable to them for subsistence alone! [351]

[82] The Mexican tribe proper clustered exclusively within the pueblo of Tenochtitlan. The settlements at Iztapalapan, Huitzilopochco and Mexicaltzinco were but military stations—outworks, guarding the issues of the causeways to the South. Tepeyacac (Guadalupe Hidalgo) was a similar position,—unimportant as to population,—in the North. Chapultepec was a sacred spot, not inhabited by any number of people, and only held by the Mexicans for burial purposes, and on account of the springs furnishing fresh water to their pueblo. [312 764]

[83] Tezozomoc (Cap. XV, p. 24). See note 57.

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tracts were but "official tracts," and they were apart from those reserved for the special use of the kinships. The latter may have furnished that *general* tribute which, although given nominally to the head war-chief still was, "for all the Mexicans in common."[84]

The various classes of lands which we have mentioned were, as far as their tenure is concerned, included in the "calpulalli" or lands of the kinships. Since the kin, or "calpulli," was the unit of governmental organization, it also was the unit of *landed tenure*. Clavigero says: "The lands called altepetlalli, that is: those who belonged to the communities of the towns and villages, were divided into as many parts as there were quarters in a town, and each quarter held its own for itself, and without the least connection with the rest. Such lands could in no manner be alienated."[85] These "quarters" were the "Calpulli," hence it follows *that the consanguine groups* held the "altepetlalli" or *Soil of the tribe*.[86]

We have, therefore, in Mexico, the identical mode of tenure of lands, which Polo de Ondegardo had noted in Peru and reported to the king of Spain as follows: ". . . . . although the crops and other produce of these lands were devoted to the tribute, the land itself belonged to the people themselves. Hence a thing will be apparent which has not hitherto been properly understood. When any one wants land, it is considered sufficient if it can be shown that it belonged to the Inca or to the sun. But in this the Indians are treated with great injustice. For in those days they paid the tribute, and *the land was theirs*. . . . . ."[87]

The expanse held and occupied by the calpulli, and therefore called calpulalli," was possessed by the kin in *joint* tenure.[88] It

[84] Tezozomoc (Cap. X. p. 18). Zurita ("Rapport, etc.," p. 227). Herrera (Dec. III, lib. IV, cap. XVII, p. 138. "I no era en mano del Señor disponer de estos Tributos á su voluntad, porque se alterara la Gente, i los Principales." This refers specially to the tribute by quarters "barrios."

[85] Storia del Messico" (Lib. VII, cap. XIV).

[86] Ixtlilxochitl ("Histoire des Chichim.," Cap. XXXV, p. 242). Torquemada (Lib. XIV, cap. VII, p. 545).

[87] "Narratives of the Rites and Laws of the Yncas, translated from the original Spanish manuscripts, and edited by Clement R. Markham." Publication of the "Hackluyt Society," 1873. "Report of Polo de Ondegardo" who was "Regidor" of Cuzco, in 1560; and a very important authority (See Prescott, "History of the Conquest of Peru," note to Book I, cap. V). Confirmed by Garcia ("El Origen de los Indios," Lib. IV, cap. XVI, p. 102).

[88] Zurita ("Rapport, etc., etc., p. 50). "The chiefs of the second class are yet called Calpullec in the singular and Chinancallec in the plural. (This is evidently incorrect, since the words "Calpulli" and "Chinancalli" can easily be distinguished from each other. "Chinancalli," however, after Molina means "cercado de seto" (Parte IIa, p.

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423 could neither be alienated nor sold; in fact, there is no trace of
[425] barter or sale of land, previous to the conquest.[89] If, however, any calpulli weakened, through loss of numbers from any cause whatever, it might farm out its area to another similar group, deriving subsistence from the rent.[90] If the kinship died out, and its lands therefore became vacant, then they were either added to those of another whose share was not adequate for its wants, or they were distributed among all the remaining calpulli.[91] The calpulli was

21), or an enclosed area, and if we connect it with the old original "chinamitl" we are forcibly carried back to the early times, when the Mexicans but dwelt on a few flakes of more or less solid ground. This is an additional evidence in favor of the views we have taken, of the growth of landed tenure among the Mexican tribe. We must never forget, that the term is "Nahuatl" and as such recognized by all the other tribes, outside of the Mexicans proper. The interpretation as "family" in the QQuiché tongue of Guatemala, which we have already mentioned, turns up here as of further importance). th. is chiefs of an old race or family, from the word Calpulli or Chinancalli, which is the same, and signifies a quarter (barrio), inhabited by a family known, or of old origin, which possesses since long time, a territory whose limits are known, and whose members are of the same lineage." "The calpullis, families or quarters, are very common in each province. Among the lands which were given to the chiefs of the second class, there were also calpullis. These lands are the property of the people in general ("de la masse du peuple") from the time the Indians reached this land. Each family or tribe received a portion of the soil for perpetual enjoyment. They also had the name of calpulli, and until now this property has been respected. They do not belong to each inhabitant of the village in particular, but to the calpulli, which possesses them in common." Don Ramirez de Fuenleal, letter dated Mexico, 3 Nov. 1532 ("Recueil de pièces, etc., Ternaux-Compans, p. 253). "There are very few people in the villages which have lands of their own . . . . the lands are held in common and cultivated in common." Herrera (Dec. III. lib. IV, cap. XV, p. 135) confirms, in a condensed form, the statements of Zurita: "and they are not private lands of each one, but held in common." Torquemada (Lib. XIV, cap. VII, p. 545). Veytia (Lib. III, cap, VI, p. 196). "Finally there were other tracts of lands in each tribe, called calpulalli, which is, land of the calpules (barrios), which also were worked in common." Oviedo (Lib. XXXII, cap. LI, pp. 536 and 537). Clavigero (Lib. VII, cap. XIV). Bustamante ("Tezcoco, etc.," Parte IIIa. cap. V, p. 232).

[89] Zurita (p. 32). "He who obtained them from the sovereign has not the right to dispose of them." Herrera (Dec. III, lib. IV, cap. XV, p. 135), "he who possessed them, could not alienate them, although he enjoyed their use for his lifetime." Torquemada (Lib. XIV, cap. VII. p. 545). Disputes about lands are frequently mentioned but they refer to the enjoyment and possession, and not the transfer of the land. Baron Humboldt ("Vues des Cordillères et monuments indigènes des peuples de l' Amérique," Vol. I, Tab. V), reproduces a Mexican painting representing a litigation about land. But this painting was made subsequent to the conquest, as the fact that the parties contending are Indians and Spaniards sufficiently asserts. Occasional mention is made that certain lands "could be sold." All such tracts, however, like the "pillali" have been shown by us to be held in communal tenure of the soil, their *enjoyment* alone being given to individuals and their families.

[90] Zurita (p. 33). "In case of need it was permitted to farm out the lands of a calpulli to the inhabitants of another quarter." Herrera (Dec. III, Lib. IV, cap. XV, p. 134). "They could be rented out to another lineage."

[91] Zurita (p. 33). "When a family dies out, its lands revert to the calpulli, and the chief distributes them among such members of the quarter as are most in need of it."

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a democratic organization. Its business lay in the hands of elective chiefs:—"old men," promoted to that dignity, as we intend to prove in a subsequent paper, for their merits and experience, and after severe religious ordeals. These chiefs formed the council of the kin or quarter, but their authority was not absolute since on all important occasions a general meeting of the kindred was convened.[92] The council in turn selected an executive, the "calpullec" or "chinancallec" who, in war, officiated as "achcacauhtin" or "teachcauhtin" (elder brother).[93]—This office was for life or during good behavior.[94] It was one of his duties to keep a reckoning of the soil of the calpulli, or "calpulalli," together with a record of its members, and of the areas assigned to each family,—and to note also whatever changes occurred in their distribution.[95] Such changes, if unimportant, might be made by him;

[92] Zurita (pp. 60, 61, 62). Ramirez de Fuenleal ("Letter, etc." Ternaux-Compans, p. 249).

[93] Zurita (p. 60). "The calpulli have a chief taken necessarily from among the tribe, he must be one of the principal inhabitants, an able man who can assist and defend the people. The election takes place among them. . . . The office of this chief is not hereditary; when any one dies, they elect in his place the most respected old man. . . . If the deceased has left a son who is able the choice falls upon him, and a relative of the former incumbent is always preferred" (Id. pp. 50 and 222). Simancas M. S. S. ("De l'ordre de succession, etc.;" "Recueil," p. 225). "As to the mode of regulating the jurisdiction and election of the alcaldes and regidors of the villages, they nominated men of note who had the title of achcacaulitin. . . . . There were no other elections of officers . . ." "Art of War, etc." (pp. 119 and 120).

[94] Zurita (pp. 60 and 61). Herrera (Dec. III, Lib. IV, cap. XV, cap. 125). "I le elegian entre si y tenian por maior."

[95] Zurita (pp. 61 and 62). "This chief has charge of the lands of the calpulli. It is his duty to defend their possession. He keeps paintings showing the tracts, the names of their holders, the situation, the limits, the number of men tilling them, the wealth of private individuals, the designations of such as are vacant, of others that belong to the Spaniards, the date of donation, to whom and by whom they were given. These paintings he constantly renews, according to the changes occurring, and in this they are very skilful." It is singular that Motolinia, in his "Epistola proëmial" ("Col. de Doc." Icazbalceta, Vol. I, p. 5), among the five "books of paintings" which he says the Mexicans had, makes no mention of the above. Neither does he notice it in his letter dated Cholula 27 Aug., 1554 ("Recueil de pièces, etc.," Ternaux-Compans). Sahagun (Lib. VIII, cap. XV, p. 304) says, "porque primeramente demandaban la pintura en que estaban escritas ó pintadas las causas, como haziendas, casas, ó maizales" (Id. cap. XXV, p. 314). This tends to prove the existence of such paintings. Mendieta (Lib. II, cap. XXVII, p. 135). Torquemada (Lib. XIV, cap. VIII, p. 546), "and in order to prevent any confusion in these lands they painted them on long stripes ("lienzos") in the following manner. The lands of the calpules light yellow, those of the principals flesh-red, and the lands of the Kings income of a fiery red color,—so that, on opening one of these rolls, the entire pueblo, its limits and outlines could be seen at a glance." This is another confirmation of our views about the distribution of the soil, and the fact that the two latter classes had but different shades of red, is somewhat significant. See Clavigero (Lib. VII, cap. XIV), who confirms. The explanation of Zurita covers the whole ground, however, and explains both of the last statements.

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618 Such changes, if unimportant, might be made by him;
423 more important ones, or contested cases, had to be referred to the
[627] council of the kinship, which in turn often appealed to a gathering of the entire quarter.[96]

The "calpulalli" was divided into lots or arable beds, "tlalmilli."[97] These were assigned each to one of the married males of the kinship, to be worked by him for his use and that of his family. If one of these lots remained unimproved for the term of two consecutive years, it fell back to the quarter for redistribution. The same occurred if the family enjoying its possession removed from the calpulli. But it does not appear that the cultivation had always to be performed by the holders of the tract themselves. The fact of improvement under the *name* of a certain tenant was only required, to insure this tenant's rights.[98]

622 Therefore the chiefs and their families, although they could not,
618 from the nature of their duties, till the land themselves, still could
423 remain entitled to their share of "tlalmilpa," as members of the calpulli. Such tracts were cultivated by others for their use. They were called by the specific name of "pillali" (lands of the chiefs or of the children, from "piltontli" boy, or "piltzintli,"

[96] Zurita ("Rapport, etc.," pp. 56 and 62). We quote him in preference, since no other author, known to us, has been so detailed.

[97] "tlalmilli" "tierras, á heredades de particulares, que estan juntas en alguna vega." (Molina, Part II*a*, p. 124).

[98] Each family, represented by its male head, obtained a certain tract or lot for cultivation and use, Zurita (p. 55). "The party (member of the calpulli, because no member of another one, had the right to settle within the area of it. See Id. p. 53), who has no lands, applies to the chief of the calpulli who, upon the advice of the other old men, assigns to him such as correspond to his ability and wants. These lands go to his heirs . . . . . ." Id. (p. 56.) "The proprietor who did not cultivate during two years, either through his own fault or through negligence, without just cause . . . . . he was called upon to improve them, and if he failed to do so, they were given to another the following year." Bustamante ("Tezcoco, etc.," Parte III*a*, p. 190, cap. I). The fact, that any holder of a "tlalmilli" might *rent* out his share, if he himself was occupied in a line precluding him from actual work on it, results from the lands of the "calpulli" being represented alternately treated as communal, and again as private lands. Besides, it is said of the traders who, from the nature of their occupation, were mostly absent, that they were also members and participants of a "calpulli" (Zurita, p. 223. Sahagun Lib. VIII, cap. III, p. 349). Now, as every Mexican belonged to a kinship, which held lands after the plan exposed above, it follows that such as were not able to work themselves, on account of their performing other duties subservient to the interests of the community, still preserved their tracts by having others to work them for their benefit. It was not the right of tenancy which authorizes the improvement, but the fact of improvement for a certain purpose and benefit, which secured the possession or tenancy.

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child),[99] and those who cultivated them carried the appellation of "tlalmaitl"—hands of the soil.[100]

423 The "tlalmilpa," whether held by chiefs or by ordinary members of the kin ("macehuales") were, therefore, the only tracts of land possessed for use by individuals in ancient Mexico. They were so far distinguished from the "tecpantlalli" and "tlatocatlalli" in their mode of tenure as, whereas the latter two were dependent

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[99] It is just the "pillali" which oppose the greatest difficulties to this investigation, and to a clear conception of the mode of tenure of lands in ancient Mexico. They are generally represented (whenever mentioned), as private domains of the chiefs. Torquemada (Lib. XIV, pp. 545 and 546), distinguishes two kinds of "pillali." The first one he says might be sold.—but he places the restriction upon them, that such as held lands through conquest ("sujecion") or through gift ("merced") of the chief, had to go to the descendants, as majorat; and if they died without heirs, the King, or Lord became such, and they were incorporated into his royal Estates." The other kind was not transmissible at all. Clavigero (Lib. XVII, cap. XIV). We notice here a confusion between official tracts and such lots of the "calpulli" as pertained to the chief's family in consequence of their membership of the Kin. Also between "tribute-lots" and the official tracts, of conquered tribes. Torquemada acknowledges, that the "pillali," upon the death of the family, were incorporated in the calpulli to which that family belonged, "in order that they might pay tribute." This ought to define their true position and nature.

427 [100] From "tlalli" soil, and "maitl" hand. Hands of the soil. Molina (Parte IIa, p. 124), has: "tlalmaitl"—"labrador, ó gañan." This name is given in distinction of the "macehuales" or people working the soil in general. The tlalmaites are identical with the "mayeques." See Zurita (p. 224), "tlalmaites or mayeques, which signifies tillers of the soil of others . . . ." He distinguishes them plainly from the "terccallec" which are the "tecpanpouhque" or "tecpantlaca" formerly mentioned as attending to a class of official lands (p. 221, Zurita). Herrera (Dec. III, lib. IV, cap. XVII, p. 138). "These mayeques could not go from one tract to another, neither leave those which they cultivated, and they paid a rent to its masters according as they agreed upon ("en lo que se concertaban") in what they raised. They paid tribute to nobody else but the master of the land." This tends to show that there existed, not an established obligation, a serfdom, but a voluntary contract, that the "tlalmaites" were not serfs, but simply renters. Torquemada (Lib. XIV, cap. VII, p. 545). ". . . . those that were knights ("caballeros") and descendants of the families of the Kings, and Lords, had their particular lands and their rentals, where many of them held renters ("terrazgueros") which served them, tilled the crops and served them in their houses. These lands were called pillali or "land of nobles and knights." We prefer the etymology "piltontli" "niño ò niña, muchacho ó muchacha" (Molina, II, p. 83), or "piltzintli" niño ó niña" therefore lands of the children,—to the derivation from "pilli." The title of chief was "tecuhtli," and the word "pilli" substituted for it is certainly but in connection with the occupation of a particular place of office, and not a title itself. Bustamante ("Tezcoco, etc.," p. 330. "The sovereigns as well as the inferior Lords and other principals had their own patrimonial estates, and in them their mayeques or Tlalmayes, what these gave of rent were tributes of the Lord," Id. pp. 233 and 234).

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The "tlalmaites" appear to have been free from other tributes, and free from communal labor outside of the "pillali" (Bustamante, p. 233. Herrera, Dec. III, lib. IV, cap. XVII, p. 138). It is not very clear, however, whether this applies simply to the conquering tribe alone, or also to the tlalmaites of conquered tribes, as towards the tribute due by that tribe to their conquerors. The detailed relations between the two are yet somewhat obscure and confuse in some points.

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423 from a certain office, the incumbent of which changed at each election, the "tlalmilli" was assigned to a certain family, and its possession, therefore, connected with *customs* of *inheritance*.[101]

428 Being thus led to investigate the customs of Inheritance of the ancient Mexicans, we have to premise here, that the personal effects of a deceased can be but slightly considered. The rule was in general, that whatever a man held, descended to his offspring.[102] Among most of the northern Indians a larger cluster participated.[103] In conformity with the organization of Society based upon kin, when in the first stage of its development, the kindred group inherited, and the common ancestor of this kin being considered a female, it follows that if a man died, not his children, still less his wife, but his mother's descendants, that is: his brothers, sisters, in fact the entire consanguine relationship from which he derived on his mother's side, were his heirs.[104] Such may have been the case even among the Muysca of New-

[101] Ramirez de Fuenleal ("Letter," see "Recueil, etc.." p. 253). "De l' ordre de succession, etc., etc." Simancas MSS. (Id. p. 224). Herrera (Dec. III. bb. IV. cap. XVII, p. 138). Torquemada (Lib. XIV, cap. VII. p. 545). Clavigero (Lib. VII. cap. XIV). These authors mention only the "pillali." but Motolinia (Trat. II. cap. V. pp. 120 and 121), and Gomara (Vedia I, p. 434), apply it in general, and the latter is even very positive about the tributaries ("los pecheros.") Also Zurita (p. 56), although contradictory on p. 51).

[102] Motolinia (Tratado II, cap. V. p. 120), "but they left their houses and lands to their children . . ." Gomara (p. 434). "Es costumbre de pecheros que el hijo mayor herede al padre en toda la hacienda raiz y mueble, y que tenga y mantenga todos los hermanos y sobrinos, con tal que hagan ellos lo que el les mandare." Clavigero (Lib. VII, cap. XIII). "In Mexico and nearly the entire realm, the royal family excepted as already told, the sons succeeded to the father's rights,—and if there were no sons, then the brothers, and the brothers sons inherited." Bustamante ("Tezcoco, etc.." p. 219). In all these cases, Bustamante only speaks of chiefs; but the quotations from Motolinia and Gomara directly apply to the people in general.

[103] Mr. L. H. Morgan has investigated the customs of inheritance, not only among the northern Indians, but also among the pueblo Indians of New Mexico. He establishes the fact, that the "kinship" or "Gens," which we may justly consider as the unit of organization in American Aboriginal Society, participated in the property of the deceased. He proves it among the Iroquois ("Ancient Society," Part II, cap. II. pp. 75 and 76). Wyandottes, Id. cap. VII, p. 153. Missouri-tribes, p. 155. Winnebagoes, p. 157. Mandans, p. 158. Minnitarees, p. 159. Creeks, p. 161. Choctas, p. 162. Chickasas, p. 163. Ojibwas, p. 167; also Potowattomies and Crees, Miamis, p. 168. Shawnees, p. 169. Sauks, Foxes and Menominies, p. 170. Delawares, p. 172. Munsees and Mohegans, p. 173. Finally, the pueblo Indians of New Mexico are shown to have, if not the identical at least a similar mode of inheritance. It would be easy to secure further evidence, from South America also.

[104] "Ancient Society" (Part II, cap. II, p. 75. Part IV, cap. I, pp. 328, 330, 331, 336 and 337).

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Granada.[105] It was different, however, in Mexico, where we meet with traces of a decided progress. Not only had descent been changed to the male line,[106] but heirship was limited, to the exclusion of the kin and of the agnates themselves, to the children of the male sex.[107] Whatever personal effects a father left, which were not offered up in sacrifice at the ceremonies of his funeral,[108] they were distributed among his male offsprings, and if there were none, they went to his brothers. Females held nothing whatever, beyond their wearing apparel and some few ornaments for personal use.

The "tlalmilli" itself, at the demise of a father, went to his oldest son, with the obligation to improve it for the benefit of the entire family until the other children had been disposed of by marriage.[109] But the other males could apply to the chief of the calpulli for a "tlalmilli" of their own;[110] the females went with

[105] Gomara ("Historia de las Indias," Vedia I, p. 201). Garcia ("Origen de los Indios," Lib. IV, cap. 23, p. 247). Piedrahita (Parte I, lib. I, cap. 5, p. 27). Joaquin Acosta ("Compendio historico del Descubrimiento y Colonisazion de la Nueva-Granada," Cap. XI, p. 201). Ternaux-Compans ("L'ancien Cundinamarca," pp. 21 and 36).

[106] Motolinia (Trat. II, cap. V, p. 120). Gomara (p. 434). Clavigero (Lib. VII, cap. XIII). Zurita (pp. 12 and 43).

[107] Letter of Motolinia and Diego d'Olarte, to Don Luis de Velasco, Cholula, 27 Aug., 1554 ("Recueil, etc., etc.," p. 407). "The daughters did not inherit, it was the principal, wife's son . . . ." Besides, nearly every author designates but a son, or sons,—as the heirs. There is no mention made of daughters at all. In Tlaxcallan, it is also expressly mentioned that the daughters did not inherit (Torquemada, Lib. XI, cap. XXII, p. 348). In general, the position of woman in ancient Mexico was a very inferior one, and but little above that which it occupies among Indians in general. (Compare the description of Gomara, p. 440. Vedia I, with those of Sahagun, Lib. X, cap. I, p. 1; cap. XIII, pp. 30, 31, 32 and 33. The fact is generally conceded). H. H. Bancroft, "Native Races." Vol. II, Cap. VI, p. 224, etc.

[108] Motolinia (Trat. II, cap. V, p. 120). Torquemada (Lib. XIII, cap. XLII to XLVIII, pp. 513 to 529). Acosta (Lib. V, cap. VIII, pp. 320, 321 and 322). Gomara (pp. 436 and 437. Vedia, I). Mendieta (Lib. II, cap. XI., pp. 102 and 103). Clavigero (Lib. VI, cap. XXXIX. "They burnt the clothes, arrows, and a portion of the household utensils . . . . .")

[109] Motolinia (Trat. II, cap. V, p. 120), "el cual hacer de testamento no se acostumbraba en esta tierra, sino que dejaban las casas y heredades á sus hijos, y el mayor, siendo hombre, lo poseia y tenia cuidado de sus hermanos y hermanas, y yendo los hermanos creciendo y casándose, el hermano mayor partia con ellos segun tenia; y si los hijos eran por casar, entrábanse en la hacienda los mismos hermanos, digo en las heredades, y de ellas mantenian á sus sobrinos y de la otra hacienda." Gomara ("Conq. de Mejico," p. 434). "It is customary among tributary classes that the oldest son shall inherit the father's property, real and personal, and shall maintain and support all the brothers and nephews, provided they do what he commands them. The reason why they do not partition the estates is in order not to decrease it through such a partition . . . . ." Simancas M. S. S ("Recueil, etc., etc.," p. 226). "Relative to the calpulalli . . . . the sons mostly inherite."

[110] Zurita (p. 55). "He who has no land applies to the chief of the tribe (calpulli), who, upon the advice of the other old men, assigns to him a tract suitable for his wants, and corresponding to his abilities and to his strength." Herrera (Dec. III, lib. IV, cap. XV, p. 125).

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428 their husbands. Single-blessedness, among the Mexicans, appears
[589 to have occurred only in case of religious vows, and in which case
784] they fell back for subsistence, upon the part allotted to worship, or in case of great infirmities, for which the çalpulli provided.[111] No mention is made of the widow participating in the products of the "tlalmilli," still it is presumable that she was one of those whom the oldest son had to support. There are indications that the
[587] widow could remarry, in which case her husband, of course, provided for her.[112]

428 The customs of Inheritance, as above reported, were the same
764 with chiefs as well as with the ordinary members of the tribe. Of the personal effects very little remained since, the higher the office was which the deceased had held, the more display was made at his cremation, and consequently the more of his dresses, weapons and ornaments, were burnt with the body.[113] Of lands, the chiefs
428 only held each their "tlalmilli" in the usual way, as members of their kin, whereas the other "official" lots went to the new incumbents of the offices. It should always be borne in mind, that none of these offices were hereditary themselves. Still, a certain "right of succession" is generally admitted as having existed. Thus, with the Tezcucans, the office of head war-chief might pass from father to son,[114] at Mexico from brother to brother, and from uncle to nephew.[115] This might, eventually, have tended to *perpetuate* the

[793] [111] Such unmarried females were the "nuns" frequently mentioned by the old writers. We shall have occasion to investigate the point in our paper on "the ancient Mexican priesthood." As attendants to worship, they participated in the tributes furnished towards it by each calpulli, of which we have spoken.

[112] Oviedo ("Hist. gen. y nat de Indias," Lib. XXXIII, cap. LIV. pp. 347–353), reports a conversation with Don Juan Cano, held at San Domingo, 8 of Sept., 1514, in which the said Cano asserts that he married Montezuma's daughter, widow of Quauhtemotzin. There is an indefinite report that, when she married Quauhtemotzin, she was already the widow of Cuitlahuatzin. Intermarriage of widowers and widows took place in Yucatan, but without any ceremony. See Landa, "Relacion de las cosas de Yucatan." Paris, 1864, by Mr. Brasseur de Bourbourg, p. 142, §XXV.

[113] See note No. 108, the same quotations apply to this case. Besides, we refer to the numerous descriptions of funeral rites, or rather cremations, contained, for instance, in Durán, Tezozomoc, Ixtlilxochitl, Veytia, and in Bustamantes "Tezcoco en los Ultimos Tiempos, etc." Also to the cremation of the head chief of Michhuacan, as related by Mendieta (Lib. II, cap. XLI. pp. 164–167). We abstain from special quotations, the subject being amply discussed in all the authors just mentioned.

[114] Zurita (p. 12). Gomara (Vedia I, p. 434). Torquemada (Lib. IX, cap. IV, p. 177. Lib. XI, cap. 27, p. 356, etc. etc.).

[115] This fact is too amply proven to need special references. We reserve it for final discussion in our proposed paper on the chiefs of the Mexicans, and the duties, powers and functions of their office.

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office in the *family*, and with it also the possession of certain lands, 428
attached to that officer's functions and duties. But it is quite certain too that this stage of development had not yet been reached by any of the tribes of Mexico at the time of its conquest by the Spaniards. The principal idea had not yet been developed, namely, that of the *domain*, which, in eastern countries at least, gradually segregated into individually hereditary tenures and ownerships.

There was consequently, at the time when the Spaniards first 642
came into contact with the Mexican aborigines, no established feudal system among the Indians of Mexico. Based exclusively upon kin, aboriginal society then presented to the first Europeans who witnessed it a strange and partly dazzling, partly repulsive; at all events a bewildering, aspect. It is not devoid of interest, and it is even important for us to consider what were the effects of this contact of a people imbued with the principles of medieval feudality with tribes still adhering to far more primitive ideas, upon the latter's mode of tenure and distribution of their lands.

The ostensible basis, on which the Spaniards established a 648
claim to any parts of America whatever, is expressed in the Bull of Pope Alexander VI, executed at Rome on the fourth day of May, 1493. By this act of the Holy See the kings of Spain (Ferdinand and Isabella), in consideration of their devotion to the Catholic religion, and of their zeal in propagating the Christian faith even over the remotest parts of the earth's surface, are made and created absolute possessors, for themselves, their heirs and successors, of all the lands already discovered and still to discover by them or their agents in the new world. The conditions accompanying this grant were that they "manage to send to the said mainlands and islands good men, fearing God, learned, well taught and expert, for to instruct their aforesaid inhabitants and natives in the Catholic faith, and to teach them good manners, with all due diligence."[116] This title, although it partakes of the nature of a

[116] Martin Fernandez de Navarrete ("Coleccion de los Viages y Descubrimientos que hicieron por mar los Españoles desde Fines del Siglo XV," Madrid, 1825. Tom. IIo, pp. 29-33). "Et insuper mandamus vobis in virtute sanctæ obedientiæ, est (sicut pollicemini et non dubitamus pro vestra maxima devotione et Regia magnanimitate vos esse facturos) ad terras firmas et insulas prædictas viros probos, et Deum timentes, doctos, peritos et expertos ad instruendam incolas et habitatores præfatos in Fide Catholica, et in bonis moribus imbuendam destinare debeatis, omnem debitam diligentiam in præmissis adhibentes." Mendieta ("Hist. Eccles. Ind.," Lib. I, cap. III, pp. 20 and 22). Herrera (Dec. I, lib. II, cap. IV, p. 41). Gomara ("Historia de las Indias," Vedia I, pp. 168 and 169). Oviedo (Lib. II, cap. VIII).

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648 fief, still virtually created,—what his subsequently became in Spanish America,—a *domain* of the Spanish crown. Armed with it, and fully convinced of its validity,[117] the Spaniards regarded at once the soil of Mexico as their king's own, and therefore claimed the right as his agents, to dispose of it through distribution according to their home-laws and customs. But, instead of proclaiming this title at once after the landing, as was done on many other points of the American coast,[118] Cortés found it advisable to delay such a formal declaration until after he had, by his own inspection, satisfied himself of the proper ways and means to secure possession. He quickly found out the disconnected state of the country, although he attributed it to causes which were not really existing,[119] and it is well known how he improved it for his plans. He therefore treated secretly, as much as possible, with members of tribes subjected (or rather tributary) to the Mexicans and their confederates,[120] and in consideration of their espousing the Spanish cause, he promised them sundry favors.[121] The oldest document issued by Europeans on Mexican soil embodies such a negotiation with chiefs of the tribes of Axapusco and Tepeyahualco, both pueblos being situated within the valley of Mexico itself.[122] It promises

[117] Herrera (Dec. I, lib. II, cap. IV, p. 41). Oviedo (Lib. II, cap. VIII, pp. 31 and 32). Gomara (Vedia I, p. 108). Mendieta (Lib. I, cap. III, pp. 18-20), and many others. All these authorities can be summed up in Robertson's classical words: "The Pope, as vicar and representative of Jesus Christ, was supposed to have a right of dominion over all the kingdoms of the earth" ("History of America," 9th Edition, 1800. Vol. I, Book II, p. 150). It appears that already Grijalva had, in 1518, taken possession formally of the Mexican coast. (Oviedo, Lib. XVII, cap. XV, p. 525)

[118] Herrera (Dec. I, lib. VII, cap. XIV, pp. 197 and 198). Robertson (Vol. I, Book III, p. 277; also note XXIII, p. 378).

[119] Cortés supposed a Mexican state or empire and his measures were taken in consequence. ("Carta Segunda," Vedia I, p. 12). Gomara ("Conq. de Méjico," p. 313). Bernal-Diez del Castillo ("Hist. verd. de la conq. de N. España," Vedia II, pp. 32 and 33). Oviedo (Lib. XXXIII, cap. II, p. 261). Torquemada (Lib. IV, cap. XVI, pp. 386 and 387), etc. etc.

[120] Cortés ("Carta Segunda," Vedia I, pp. 13 and 15). Bernal-Diez (Vedia II, cap. XLI, p. 36). Oviedo (Lib. XXXIII, cap. II, p. 261). Andrés de Tapia ("Col. de Documentos," of Icazbalceta, Vol. II, pp. 561 and 562). Gomara ("Conq. de Méjico," Vedia, I, p. 320). But the main evidence is furnished by the document published by Icazbalceta in his second volume of the "Coleccion de Documentos para la Historia de Mexico," in the 2d volume, and entitled: "Real Ejecutoria de S. M. Sobre Tierras y Reservas de Pechos y Paga, perteneciente á los Caciques de Axapusco, de la jurisdiccion de Otumba" (pp. 5, 6, 7, 8 and 9).

[121] "Real Ejecutoria" (Col. de doc. II, p. 7). Gomara (Vedia I, p. 320). Clavigero (Lib. VIII, cap. XI).

[122] The pueblos of Axapusco and Tepeyahualco are situated along the road leading from the city of Mexico to Tullanzinco, in the state of Mexico proper, northwest of San Juan de Teotihuacan. As the Document to which we have already referred im-

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to those chiefs lands of their own. The grantees had no conception of the true import of what they accepted, neither did Cortés conceive the nature of *their* ideas. It was the object of the Indians'

plies, they were under Spanish rule included in the jurisdiction of Otumba. This document itself requires particular attention. It has been published by Sr. Icazbalceta in the second volume of his documentary collections, and its authenticity has been carefully examined—and, we think, successfully proven—by Sr. José F. Ramirez. Its history is not devoid of interest, and we record it here, partly from the document itself, and partly from the introduction and notes by the late Sr. Ramirez.

On the 9th day of March, 1617, there appeared before the viceroy of New Spain (Marques of Guadalcazar), Leonardo de Salazar "in the name of the governor, alcalde and fiscals" of the pueblo of San Esteban Axapusco and Santiago Tepeyahualco, "of the jurisdiction of Otumba," praying for a confirmation in writing by the viceroy, of a certain grant made by Cortés, and approved by the King and his royal council under seal,—to the aforesaid pueblos. In order to obtain said confirmation it was alleged: that the grant, written on "nine leaves" was so torn and damaged, that it would no longer bear handling,—and that through its loss the inhabitants of said settlements might come to grief. The petition was immediately granted and it was ordained, on the 19 of March 1617, that a copy of the original grant should be executed, and that in such places where the text was torn or obliterated through damage to the originals, common belief or tradition should prevail as far as it related to the contents of the document ("obre la fé que hubiere lugar en derecho"). The desired copy and certificates were accordingly issued on the 21st day of March, 1617.

This copy embodies the mutilated text of a very singular official paper. It appears from it that on the 20th day of May 1519, Cortés executed, in favor of two Indian chiefs of the two aforesaid pueblos, and at their request, a certificate (signed by himself at San Juan de Ulúa on that day and countersigned: Pedro Hernandez), stating that the said chiefs had joined the messengers sent from Mexico to greet and espy Cortés upon his arrival at the coast,—with the intention of approaching him secretly and offering him their assistance in any designs he might have against the Mexicans, whom they said held them severely to tribute. This they achieved, and took allegiance to the crown of Spain. In return Cortés promised to them that "after our journey should be accomplished . . . . . to them should in the first place be made the greatest honor possible in return for so much noble subtility and good-will." He also promised "to make them grandees and Lords of lands where they now have their pueblos." The facts thus alleged were contained in the original document, written consequently about 30 days after the landing of Cortés on the coast of Vera Cruz. But this act itself was included, as a copy, in a further grant, dated 16 December, 1520, in which Cortés acknowledges the services rendered by the two chiefs during the conquest of Mexico, and that after that pueblo had been captured, the said chiefs returned to their tribes "well paid with the booty," relying upon the fulfilment of his original promises. It further states that: six years having elapsed since, and to most of the chiefs who had assisted the Spanish cause, lands had been given, he remembered the chiefs of Axapusco and Tepeyahualco, "and by these presents in the royal name of His majesty gave them four tracts ("cuatro sitios de estancias") . . . . . in the territory of their said pueblos." These lands were freed from all taxes and impositions, and the chiefs and their heirs were invested forever with the lordship and the office of governors ("gobernadores") of the pueblo to which they belonged. This grant of Cortés was confirmed by the Emperor Charles V, and the royal council of the Indies, 3d November, 1537, and on the 9 and 10 February, 1538, the said chieftains were duly installed in their new hereditary positions, and their lands measured off to them.

Doubts were raised as to the genuineness of the document, but these are set aside completely by the fact that, not more than 98 years after its first execution, the Spanish authorities have legally acknowledged it. Some objections relating to imperfections in the text, apparent anachronisms, have been eliminated through the judicious

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merely to become free of tribute to the Mexicans, as they had been previously; but no thought entered their mind, at that time, of ownership of the soil.[123] This earliest transaction (probably 20th of May, 1519) was in itself a perfect revolution, or at least the initiatory step thereto. Unbeknown to themselves, these Indians became feudatories to the crown of Spain, and thus the first germ was planted, which, in its development, subverted gradually the aboriginal order of things in Mexico.[124]

Every tribe, which subsequently surrendered to the Spaniards, bowed in the same manner to the new principle introduced. The Indians did not realize it, and as the idea of territorial domain was unknown to them, they could not see the construction placed upon their submission by the European invaders. It was not possible for them to feel or know that, if the council of a tribe agreed to accept the Spaniards in place of their former Mexican conquerors, their *territory* thereby might become alienated. On the other hand the Spaniards, not understanding the principles of Indian organization, completely misunderstood the nature of the contract. They took it for granted, that the tribal government had power and authority over the tribal soil.

When at last Montezuma and such chiefs as were with him, from Mexico as well as from Tezcuco and Tlacopan, being then

notes of Sr. Ramirez, as well as by the careful and thorough treatment of the editor, Sr. Icazbalceta. We cannot refrain from accepting the "Real Ejecutoria" as genuine and from calling the reader's attention to it, as one of the most important documents on the subject of ancient Mexican tenure of the soil. For the purpose of this note, we exclusively dwell on its *authenticity*, reserving the other points concerned for subsequent annotations; two items excepted which we must mention here, namely: It results from the grant of Cortés:

(1). That the chiefs of Axapusco and Tepeyahualco held no lands as their own property, until Cortés granted such to them.

(2). That their offices were *not hereditary*, until Cortés established them as such; through his aforesaid grant. The two conclusions just stated are of great importance for the subject of this paper, and they should be kept present in mind, since we shall have occasion to make further use of the document.

123 "Real Ejecutoria, etc., etc." ("Col. de Docum." Vol. II, p. 6). Andrés de Tápia ("Col. de Doc.," II, p. 561, etc.) Cortés ("Carta Segunda," Vedia, I, pp. 12 and 13). Gomara ("Conq. de Mejico," Vedia I, p. 318. Very explicit and positive). Oviedo (Lib. XXXIII, cap. II, pp. 261, 262 and 263). Bernal-Diez ("Hist. verdadera, etc." Vedia II, cap. XLVI and XLVII). Ixtlilxochitl ("Hist. des Chichim.," cap. LXXX, pp. 173, 174 and 175). Torquemada (Lib. IV, cap. XX, pp. 307, 308 and 309). Clavigero (Lib. VIII, cap. IX and XI). Robertson ("History of America," Vol. II, Book V, p. 280). (Present Book II, cap. VII).

124 "Real Ejecutoria, etc." ("Col. de Doc." II, p. 6, "y que desde agora en adelante y para siempre se ofrecian fieles y leales vasallos de su majestad ó emperador . . ." p. 7, "y me suplicaron les diese testimonio de la obediencia que dieron á Dios nuestro Señor y á S. M.")

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in Spanish power, consented to the ceremonies required for their 648
"swearing allegiance" to Spain, Cortés thenceforth regarded the annexation of Mexico to the domains of his liege lord as complete.[125] Montezuma was hereafter considered as a feudatory of the Spanish crown, and it became the duty of that crown's other dependents to protect him. Consequently, when the Mexicans took up arms against their obnoxious guests, they became, in the eyes of the latter, rebels against what was assumed to be their legitimate lord, Montezuma, and, he in turn having been converted into a vassal of Spain, rebels also towards that power itself.[126] This act of rebellion entailed for those participating in it, forfeiture of life and property, at the option of their conquerors. Thus a further title was created for the Spaniards, to seize even lands used or held by individuals, outside of what they believed to be public or lordly domains, and a theoretical right was construed to be a complete and violent revolution.

After the pueblo of Mexico had fallen, the first step of Cortés in regard to the Indians was, therefore, to establish the system of "Repartimientos."[127] This mode had come into existence during the life-time of Columbus, through a Patent dated 22d of July, 1497, authorizing the great admiral to distribute lands in the West Indian Islands among the Spanish settlers for their own use and exclusive ownership.[128] No mention is made, in these letters patent, of the aboriginal occupants of the soil, but Columbus, in a later act of *his own, decided that the Indians should work such lands for the benefit of those to whom he had given them* "and thus" says Herrera, "the Repartimientos or Encomiendas all over the Indies originated."[129] The Indians on such tracts became serfs to their Span-

[125] Cortés ("Carta Segunda," Vedia I, p. 30). Bernal-Diez (Cap. CI, Vedia II, p. 103). Oviedo (Lib. XXXIII, cap. IX).

[126] The term "rebellion" is frequently applied to the uprising of the Mexicans during Cortés' short absence on his expedition against Narvaez, and their subsequent resistance to Spanish power. In fact, it appears so frequently in documents and chronicles of the 16th century, that we may well refrain from special quotations.

[127] Cortés ("Carta Cuarta," Vedia I, pp. 113, 114, 115 and 116). Bernal-Diez (Vedia II, Cap. CLXIX, pp. 237 and 238). Gomara (Vedia I. p. 304). Letter of the troops of Cortés to the Emperor ("Col. de Doc.," I. p. 431). It is also acknowledged by Cortés himself in his letter of 15 October, 1524, to the Emperor, wherein he expressly states ("Col. de Doc.," I. pp. 472 and 473), that he dared not promulgate the latest despatches received by him from the Spanish court, since these enjoined him to abstain from "repartir ni encomendar." Thus he acknowledges having already made "repartimientos."

[128] Navarrete ("Coleccion de Viajes, etc." Tom. II, pp. 215 and 216). Herrera (Dec. I, lib. III, cap. II, p. 66).

[129] Herrera (Dec. I, lib. III, cap. XVI, p. 85). Oviedo (Lib. III, cap. VI, p. 72).

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Spanish conquerors, they could not, at least in later times, be separated from the soil on which they dwelt.[130]

The country of Mexico being very extensive, while the number of the original Spanish conquerors was comparatively small, it followed that, sometimes at least, large areas inhabited by entire tribes, or at least by entire kinships, fell to the lot of a single man. The new owner in such cases found an organized community established upon his grant, and he usually preferred not to disturb this organization, contenting himself with exacting for his individual benefit a tribute levied in a manner approximate to that which had been customary previous to the conquest.[131] Nevertheless, several disturbing influences soon appeared.

The first one was the construction placed upon the obligation of personal labor to be performed by the Indians. It was gradually so extended, that instead of remaining confined to the *land*, it attached to the *person* of the new owner, and thus tended, by admitting forcible displacement, to disrupt the ties of kinship, which formed the basis of the tenure of lands.[132]

In the second place the Spaniards looked upon all tracts set apart by the Indians for governmental purposes, as public domain of the Mexicans, and so, wherever a tribe had resisted their invasion, such official lands were of course regarded as forfeited. They became either property of the crown, or were assigned to some one of the early Spanish immigrants. We have already seen that these lots, although their crops were destined to special uses, were properly communal soil. This mode of tenure was now suddenly abolished, and the principle of *private* or *public ownership* established

[130] Herrera (Dec. I, lib. III cap. XVI, p. 95). Oviedo (Lib. III, cap. VI, p. 72). Mendieta (Lib. I. cap. VI, pp. 28 and 33).

[131] Letter of Ramirez de Fuenleal, Bishop of San Domingo ("Recueil, etc.," p. 244). Letter of the Licentiate Ceynos ("Col. de Doc.," Vol. II, pp. 162 and 163). Letter of Ramirez de Fuenleal ("Col. de Doc." Vol. II, pp. 170. 171 and 172, etc., etc.). Letter of Father Domingo de Betanzos ("Col. de Doc.," II, pp. 190-197). Bernal-Diez (Cap. CCX, p. 313. Vedia II).

[132] That the original intention was merely to have the Indians work the soil for the benefit of the Spanish owners, is proved by Herrera (Dec. I, lib. III, cap. XVI, p. 95), and by Oviedo (Lib. III, cap. VI, p. 72). The latter was a contemporary. But it results, principally from the complaints about the ill treatments of the Indians, and the suggestions for remedy,—that the Spaniards very soon converted this position into one of personal slavery. See Letter of Ramirez de Fuenleal, of 1532 ("Col. de Doc.," II. pp. 147 and 160), of Alonzo del Castillo (Col. II, p. 292). Opinion of the Licentiate Marcos de Aguilar, 8 Oct., 1535 ("Col. de Doc." II, pp. 345 and 346). Joint letter to the Emperor, of 9 Franciscan and Dominican monks ("Col. de Doc." pp. 349-353). Letter of Motolinia ("Col. de Doc." Vol. I), 2 Jan., 1555.

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in its place. It is not surprising therefore, to find in the "Libro del Cabildo," or book of the municipality of the young city of Mexico, between the years 1524 and 1529, numerous entries recording the petitions of Spaniards for sites occupied, according to their belief, by private dwellings of Mexican chiefs, and the grants issued in consequence thereof.[133] This applied not only to the "lands of the houses of the community" (tecpan-tlalli), and "lands of the speakers" (tlatoca-tlalli), but especially to the "pillali" or lots assigned to each chieftain as member of a particular quarter. In this manner the soil of the consanguine group, the basis of landed tenure in Mexico, was directly invaded; portions of it being torn from its original connection.

Lastly the Spaniards, finding Indian communities too strongly and permanently organized for a sudden and violent reform, acceded to their maintenance as far as they understood it. But, fully convinced that the chiefs were monarchical or despotic rulers — masters of the soil as well as of its inhabitants, — wherever these chiefs had been personally friendly to them or wherever they regarded it as politic, they confirmed what they conceived to be *their prerogatives*.[134] Thus, regarding them as *owners* of the different classes of official lots, this ownership was formally recognized, and it was acknowledged that they were "lawfully seized in fee thereof." The "tlalmaites" became in law the vassals of those whom they formerly but considered as elective functionaries.

Not content with this, and in order to reward certain chiefs for services rendered during the conquest or good behavior afterwards, the Spanish conquerors also issued to them "Repartimientos, or gave them lands, sometimes unoccupied wastes, as their *own pri-*

[133] Humboldt ("Essai politique sur la Nouvelle Espagne," Vol. II. lib. III, cap. VIII, pp. 64 and 65).

[134] Letter of Father Toribio de Paredes (Motolinia) 2 Jan'y, 1555 (Col. de Doc. I), and especially the long letter of Mendieta, dated Toluca, 1st day of the year 1562 ("Col. de Doc." II). "Sixth: it appears to me that the native and legitimate Lords should be taken into account . . . . . I treat of the particular Lords, touching their lordship of their Indians and pueblos, which they formerly possessed. For I think that some are expelled, and I do not know even if they were not reduced to macehuales and tributaries, and others, although some tribe is given to them it is in the shape of a governorship and in such a manner that, once despoiled from it, they are left destitute" ("se quedan á buenas noches") (p. 536). The good father here represents the true conceptions of the Europeans about the Indian chieftaincy (as a feudal lordship) at the time of the conquest. Also; Letter of the Archbishop of Mexico, Fray Alonso de Montufar, dated 20 Nov., 1554. ("Cruautés horribles des conquérants du Mexique" Ternaux-Compans, pp. 328, 330 and 360, appendix.)

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648 *vate property.*[135] Among these is to be classed the grant already mentioned to the caciques of Axapusco and Tepeyahualco.[136]

The documents partaking of the nature of "Repartimientos" contain among their number a donation by Cortés to Doña Isabel Montezuma, daughter of the former Mexican "Tlaca-tecuhtli," which is very interesting for the purposes of this investigation. It is dated 26 of June, 1526, and gives to the grantee, in consideration of the aid lent to Cortés by her father, *the entire territory of the Tecpanecan tribe, at the same time acknowledging that it belonged to her by right "as patrimonal estate."*[137] We know, however, that the Tecpanecas formed the third member of the

[135] "Real Ejecutoria, etc." ("Col. de Doc." Vol. II, p. 20). Grant of Cortés to Doña Isabel Montezuma (Prescott, "Hist. of the Conquest of Mexico," Vol. III, Appendix, pp. 460, 461, 462, 463 and 464). Petition addressed to Charles V, by several Mexican chiefs in 1533 (Appendix to "Cruautés horribles des conquérants du Mexique" Ternaux-Compans, p. 261).

[136] It says: ("Real Ejecutoria, etc., etc." Col. de Doc. II, p. 18, "and since they were such (faithful) servants of H. M., they should be freed, together with their pueblos, from all impositions and contributions forever, and to them should be given four tracts of land ("estancias de tierras"), and they should become perpetual governors of their tribes, and none of their inferiors should ever obtain the office" p. 21. The King and his council of the Indies consequently ordained "by these presents we declare the aforesaid to be free and discharged ("quitos"), not bound to tributes, tenths, premices and other duties or contributions customary or yet to be introduced, and that they and their descendants shall perpetually hold the government of their pueblos, with all the advantages and appurtenances to the four tracts, as Lords thereof, and that it is our pleasure and will . . . ." Lastly, in describing the lands surveyed for the said caciques it says: "and they are rough timbered lands, without any water, of which the aforesaid took possesion" p. 24). This shows that certain tracts were set off from the communal soil, to become private property of the chiefs. It is interesting to connect therewith the following statement by Zurita (p. 57). "These lands belonging to the calpullis, it was unjust to give them to the Spaniards, as it is still done. The latter seeing uncultivated lands, demand them from the persons who govern."

[137] This grant has fortunately been published by Mr. Prescott, in the Appendix to the "History of the Conquest of Mexico" (Vol. III, pp. 461–464). It bears the title: "Privilegio de Doña Isabel Montezuma, Hija del gran Motezuma último Rey Indio del gran Reyno y Cibdad de México, que bautizada y siendo Christiana casò con Alonso Grado, natural de la villa de Alcantara, Hidalgo, y criado de su Magestad, que habia servido y servia en muchos oficios de aquel Reyno. Otorgado por Don Hernando Cortes, conquistador del dicho Reyno, etc., etc." Its date is 26 June, 1526. The Doña Isabel is mentioned as "the principal and legitimate heiress of the said Lord Motezuma," and the concession itself is worded as follows: "con la qual dicha Doña Isabel le prometo y doi en dote y arras á la dicha Doña Isabel y sus descendientos, en nombre de S. M. y cómo su governador y capitan general destas partes, y porque de derecho le pertenesce de su patrimonio y legitima, el Señoria y naturales del Pueblo de Tacuba, etc., etc." The following pueblos are added: Tetzve, Tzqui-Luca, Chimalpan, Chapultnaloyan, Escapulteango, Xiloango, Ocolacaque, Castepeque, Talanco, Gatserio, Ducotepeque, Tacala. Notwithstanding the defective orthography (Escapultango in place of Azcaputzalco, Ducotepeque instead of Ometepec, etc.) we easily discern the territory of the Tecpanecan tribe; a fact still further proven by the own words of the grant: "the aforesaid settlements and pueblos are subjected to the pueblo of Tacuba and to its Lord."

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"Nahuatl" confederacy of the valley of Mexico, that they and their soil were totally independent from the Mexicans.[138] Still, Cortés honestly assumed it to have been a part of the Mexican domain, and on this assumption based his disposition of it, fully convinced that he was performing an act of honest restitution. This gives a measure of the erroneous ideas then prevailing among the Spaniards on the mode of tenure and distribution of lands in ancient Mexico.

Thus a state of things was inaugurated which could not fail, eventually, to create the most unfortunate results. The Indians among themselves were placed on very unequal footings. In some sections the calpulli, even the whole tribe, were left undisturbed, in others their lands were assigned to Spanish individuals. Again, certain tracts were taken away from the communal soil, and became private property of individual conquerors. But the most disastrous influence certainly was exercised by the assignment of landed property to individual Indians. It created an inequality of condition in each and every aboriginal community against which those least favored revolted, whereas the preferred ones, now combining authority with landed property, were tempted to abuse their new position.[139] Of this division and strife among the

[138] In addition to the testimony already adduced, we refer here to the Letter of Fray Toribio (Motolinia) and Fray Diego d' Olarte, dated Cholula 27 Aug., 1534. "All the others obeyed to Montezuma, to the sovereign of Texcuco, and to him of Tacuba. These three princes were closely confederated; they divided among themselves the lands (countries) which they conquered." ("Recueil de pièces, etc.," p. 403.) In the "Relation of the services rendered by the Marquis of the Valley (Cortés)," executed between 1532 and 1535—and presented to the Emperor by the Licentiate Nuñez, reference is made to the original grant *to* Cortés, of lands containing: "23,000 vassals" which territory included the Tecpanecan pueblos of Cuyuacan and Atacubaya. These pueblos were claimed "through the intrigues of the president Nuño de Guzman and of the auditors Matienzo and Delgadillo" as belonging to Mexico, but the case was tried in New Spain, and Cortés furnished ample proof "how the said lands are distinct, in limits and jurisdiction, from the city of Mexico, and that the Lords of Cuyuacan and Atacubaya always possessed them peaceably and in fact" ("Col. de Doc.," Vol. II, p. 86). If now this was the fact with those two villages, how much more so was it with Tacuba and its surroundings, which were the chief places of the Tecpanecan tribe; as third member of the Nahuatl confederacy of the Mexican valley.

[139] The grant to Cortés mentioned in the preceding note, is an instance of the agglomeration of several pueblos under a single owner. There must have been many more: since he created originally but 900 "Repartimientos" over the whole territory. The Licentiate Ceynos, in his letter of 22 June, 1532 ("Col. de Doc.," Vol. II, p. 150), mentions "until 400 persons" of which 200 had to settle in the city of Mexico. The Bishop Fuenleal in his "Opinion" of 1532 ("Col. de Doc.," II, p. 178), mentions (among others) the following Repartimientos: "Huexotzinco to Diego de Ordáz." The province of

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648 178 Aborigines themselves the Spaniards naturally profited for further encroachments. Many "encomenderos" used the authority of the chiefs to turn their Indian serfs into actual slaves, others in turn improved the new perspective opened to the natives towards the acquisition of private lands, for the purpose of undermining the influence and authority of the chieftains.[140] Frequently, also, the ignorance in which the Indians were, as to the

Tepeaca to Pedro Arnúlfdez Chirino,— Chilchota to Juan de Sámano, etc., etc. Each of these, especially the first one, comprised several villages, nay a whole tribe.

Compare the letter of the Archbishop Montufar, 30 Nov., 1554 ("Cruautés horribles, etc." Appendix, 255-260). Zurita (pp. 63 and 64). The complaints are principally, against such as held offices under the conquerors, and such to whom lands were given out of the calpulalli. The petition of Montufar is a terrible accusation against the Indian chiefs. Gomara, however, qualifies it as one of the good effects of the conquest that the Indians since that time "hold lands" (Vedia I). Motolinia (Trat. I, cap. I, p. 17) is very severe on the collectors of rent for the whites. But these collectors must have been mostly Indians,— *chiefs*, as he himself acknowledges in his Cholula-letters.

[140] Motolinia (Trat. I, cap. I, p. 17). Montufar (pp. 255-260) Zurita (pp. 61 and 64). Cuevos, Second Letter, 1 March, 1565 (Col. de Doc. II, pp. 240 and 241). Zurita (p. 83) is of special importance, exposing the intrigues of the Spanish conquerors among the Indian communities, inciting the natives to litigations against their chiefs. Mendieta, in his remarkable letter from Tolnca, 1 Jan'y, 1572, to Fray Francisco de Bustamante, commissary general, at Mexico, devotes his principal attention to the pernicious influence of the Spanish interpreters and lawyers, inciting the Indians to litigation before the "Audiencia" and not before the viceroy. He says for inst. (p. 582), "that without comparison their condition and behavior was better at their time of gentility than now. For at the time they were heathens they did not know of lawyers ("letrado" properly men of letters), scribes, nor attorneys, neither of litigations, nor to spend in such (squabbles) their properties and ruin their souls. To-day, since the opportunity is afforded to them, and they being naturally quarrelsome, disposed to tackle and injure each other, they are so fond of it as to have them continually on hand, without cause nor reason, and (such are) always the worst and most abject of the tribe. Therefore not a single community is found in New Spain which is not disturbed, and does not spend nearly as much in litigation as they pay of tribute to H. M., or to the encomendero every year. And since they are of little understanding, and not versed in law, I hold all what the interpreters and attorneys gain by it as so much of a robbery as if they would take it from the houses at night. Such do not even deny their base actions, but confess openly that they do it, without any other excuse than that H. M. gives them permission." On p. 536, he says: "certain particular Indians in all the settlements do great mischief, knowing that they have recourse to the court, and among the pretenses to cover their malice they use two most commonly, which are: demand account of the communal property, pretending that the principals spend it, and the other, to have the conduct of their officers investigated under color that these abuse of their position (power)." Zurita (p. 83), speaking of the intrigues against the chiefs says: "the ordinary tribute and prestations falling, they fall into the most abject misery, become dejected, dare not speak, and do not know where to apply for protection. For all this the rebels do not cause any loss to the encomendero as to his tribute .... In this manner they ruin the chiefs in a very short time, for all their property consists in the work of their vassals, as soon as that ceases, if it was but for a single day, they lack every requisite for life." (This quotation is in itself, we think, the most ample confirmation of what we have advanced upon the subject of aboriginal tenure of the soil, and fully disproves what has been assumed in regard to the chiefs holding and owning lands of their own). See also Memorial of Bartolomé de Las Casas (Col. de Doc. II, pp. 229 and 230).

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real import and value of landed concessions, was taken advantage of to deprive them of such subsequently, either through litigation or through barter for worthless trifles.[141] Unacquainted with the new order of things suddenly forced upon them, unable therefore to profit by it for subsistence, the natives of Mexico could not help being *degraded* instead of *elevated* and bettered in condition by such a transition which displaced them, in the course of a few years, from a state of tribal and communal society into one of civilization.[142]

Consequently a state of disorganization began to prevail, which threatened to ruin the country. At the same time, however, while the Indians, forlorn in the maze of difficulties in which their conquerors themselves also floundered about, were in a perfectly helpless condition, a sudden protection and relief arose to them. On the 13th of May, 1524, "one day previous to the vigils of Pentecost," there landed at San Juan de Ulúa, a cluster of twelve Franciscan friars, sent to Mexico in response to the original call of Cortès, for the purpose of converting the Indians.[143] These monks

[141] Zurita (pp. 63 and 64). Mendieta (Letter, in Col. de Doc. II).

[142] The Europeans opened a wide field for activity. They were superior to the Mexican aborigines, not only in organization, but especially in mechanical arts and inventions for the purpose of subsistence. It was now required of the Indians to suddenly take hold of all these improvements, which it had taken the Europeans centuries upon centuries to secure through long experimenting,—and to become familiar with them in a short time, as well as to feel happy and contented at once under a state of society which tore asunder all those ties of kinship forming, since time immemorial, the basis of their organization. It was asking too much of them altogether, and if besides what was asked was even enforced violently,—then the degrading consequences could not be avoided. Therefore, the most ardent advocates of the Indian cause took great care to insist upon letting the natives alone in their communities; even prohibiting the access thereto to the Spanish colonists. Bartolomé de las Casas, in his joint memorial with Fray Domingo de Santa Tomás, in favor of the Indians of Peru, written about 1550 ("Col. de Doc." Bibliographical notes, p. XLII,) says: "Lo segundo, que porque los Españoles son siempre del bien de los indios contrarios, y en especial lo son y han de ser impedidores de aquesto negocio y concierto, que han de estorbar por cuantas vias pudieren que los indios no paguen à S. M. ni puedan pagar este servicio; por tanto es necesario que se prohiba que ningun comendero èntre por ninguna causa ni razon en los pueblos de los indios que tienen encomendados, ni sus mujeres, que son las mas crueles y perniciosas, ni negro, ni criado, ni otra persona suya (p. 223)." Alonzo de Zurita, in his memorial written at Mexico between 1554 and 1564 ("Col. de Doc.," II, p. XLVII), insists strongly upon keeping the Indians apart from the Whites (p. 235). In regard to the actual degradation, see Mendieta's letter, of 1 Jan'y, 1598 ("Col. de Doc.," II, p. 332). Motolinia ("Hist. de los Indios de N. España," Trat. I, cap. I).

[143] The Franciscan friars obtained their first concession from Pope Leo X, by a bull dated 25 April, 1521 (Mendieta, lib. III, cap. V, pp. 189–190). This bull was executed in favor of Fray Francisco de Quiñones (de los Angeles), and Fray Juan Clapion. But these fathers never reached Mexico. Previous to it, three Flemish missionaries, Fray Juan de Tecto, Fray Juan de Aora, and Fray Pedro of Ghent had gone to New Spain

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797 fully realized what was asked of them, but they went still further by becoming, not only the spiritual advisers, but actually the material protectors, of the aborigines. Basing upon the authority conferred by the Pontiff at Rome, they publicly denounced, not only the individual acts of the Spaniards, but even those of the royal officers.[144] This could not fail to incite the Indians to resistance, and when the conquerors resorted to violence, not only did the oppressed find refuge and protection in the newly erected convents, but one of the most distinguished Franciscans, Fray Toribio, of Benavent (Motolinia), even notified the agents of the royal "audiencia,"—who had come to Huexotzinco to seize the fugitives and bring them to justice,—to leave the settlement forthwith, threatening, in case of non-compliance, with excommunication.[145]

The protection thus afforded would have been far more efficacious, had the good Friars understood at that time the true nature of Indian land tenure, and their usages with respect to the distribution of the soil. They might then have accompanied their violent protests with a rational remedy. Restoration of the ancient customs, limiting the Indian clusters to their territories actually tilled, without disturbing their original organization, would have been the proper way. Alongside of such communities, ample room would have remained for the settlements of whites, and the unavoidable contact between both races would have changed slowly and more permanently the condition of the natives, lifting them up gradually to the practical appreciation of ideas of civilization. But

of their own accord, and without Papal sanction. But, while Fray Pedro de Gante, for instance, rendered valuable service to science through one of his letters, it is among the "twelve apostles of Mexico" that we find those who have equally combined heroism in protecting the Indians, with due regard to the conservation of their memories and historical traditions. These "twelve" were: Fray Martin de Valencia, Fray Francisco de Soto, Fray Martin de Cornña, Fr. Juan Xuares, Fray Antonio de Ciudad Rodrigo, Fr. Toribio of Benavente, Fr. García de Cisneros, Fr. Luis de Fuensalida, Fr. Juan de Ribas, Fr. Francisco Ximenez, Fr. Andrés de Cordoba, Fray Juan de Palos (Mendieta, lib. III, cap. X. also cap. XI, etc.). We shall have further occasion to use their writings, therefore this humble tribute of gratitude to their memories.

[144] Compare the beautiful introduction to Motolinia's "Historia de los Indios de Nueva-España," by Sr. José F. Ramirez, in Sr. Icazbalceta's "Col. de Documentos" (Vol. I, Introd. p. XLVII to p. I), which quotes an act of Gonzalo de Salazar, 29 July, 1525 (contained in the first "Libro de Cabildo" of Mexico), containing a complaint, against the Franciscan friars for "meddling with matters of civil jurisdiction and government." See also the report of Herrera about the convention ("Junta") at Barcelona, in Spain in 1529 (Dec. IV, lib. VI, cap. XI, p. 118, etc).

[145] Introduction to Motolinia ("Col. de Doc.," Vol. I, p. L). Torquemada (Lib. XV, cap. XXII, pp. 56, 57-58).

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even in their letter to the emperor, dated 1st of September, 1526,[146] the "apostles of Mexico" insisted upon a thorough establishment of what Mr. Prescott so justly calls the "vicious" system of Repartimientos, representing that an immediate and thorough intermingling of both races alone could promote the interests of conversion.[147]

Still, an improvement in the system gradually took place. The civil and criminal jurisdiction over the natives, which formerly had been vested in each landholder,[148] was placed in the hands of special officers of the crown. It was directed that the owner should reside on his property, that the Indians could not be separated from the soil and finally, on the 20th of November, 1542, the "new laws and ordonnances for the government of the Indies" were promulgated, which contained such restrictions upon the "Repartimientos," that their further extension and increase was rendered impossible, and the number of those existing, greatly limited. The Indians themselves were declared direct vassals to the crown of Spain.[149]

Although in many parts of Spanish America these laws were but "obeyed though not executed,"[150] they still called forth a

[146] "Col. de Documentos" (Vol. II, pp. 155, 156 and 157). Joint letter of Franciscan and Dominican monks (p. 549, etc.).

[147] "Col. de Doc.," II, pp. 155–157, 549, etc.; also letter of Fray Domingo de Betanzos (pp. 190–197). Notwithstanding the agreement between Franciscan and Dominican monks on that point, Las Casas continued to protest in the most vehement manner, against the "Repartimiento." See his memorial, jointly with Fray Domingo de Santo Tomás (Col. II, pp. 231–236), and to the council of the Indies, of 1562 or 1563 (Col. II, pp. 503–506), in which he says: "Thirdly, that the encomiendas or repartimientos of Indians are iniquitous, per se wrong, therefore tyrannical, and such administration is tyrannical also. Fourth, that such as give them commit a mortal sin, like those who maintain them, and if they do not give them up, they cannot be saved."

[148] It was customary for each "encomendero" to exercise civil and criminal jurisdiction within his "Repartimiento."

[149] "Nuevas Leyes y Ordenanzas para la Gobernacion de las Indias" (Col. de Doc., II, pp. 204–227), dated Valladolid (Spain), 4 June, 1543, promulgated at Mexico, 24 March, 1544. Herrera (Dec. VII, lib. VI, cap. V, pp. 110–113). These new laws were the cause of bloody disturbances in Spanish America. Gomara (Vedia I, pp. 249 and 250).

[150] "Se obedece, pero no se cumple." There are many evidences of this saying having been put in actual practice. Joaquin Acosta ("Compendio historico del Descubrimiento y de la Colonizacion de Nueva Granada," 1848, cap. XVII, p. 316). At the arrival of the Licentiate Armendariz in Cauca, sent to enforce the new laws, Belalcazar at once had them promulgated, but took the responsibility of forthwith also suspending their execution. He wrote to the King from Cali, in 1544, in regard to his action. Acosta says: "Entonces comenzó en el nuevo mundo Español á campear la formula irrisoria de se obedece, pero no se cumple; con que se eludian las ordenes que no les convenia ejecutar á los funcionarios de aquellas apartados comarcas." Herrera (Dec. VII, lib. VII, cap. XXIII, pp. 137 and 138).

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marked improvement, at least in the personal condition of the Indians. They were, hereafter, at least to some extent, protected from the bodily slavery in which the former acts had plunged them. In regard to the tenure of lands, however, the laws wrought no change. Further direct spoliations became more difficult, but the new principle of private ownership had been firmly implanted, not merely *around* but *among* the natives themselves, and the obliteration of the ancient usages, by the extension of this principle, could not be stayed.

Of the aboriginal mode of tenure of lands and of their distribution, but one vestige remained — the last monument so to say, and the one which embodies, happily, all its principal features. These are the lands of *kinship*, held in common by the consanguine group or calpulli, and called as we have seen, "calpulalli," by the Mexicans.

Although their order had been very much disturbed since in many cases the official tracts, "tecpan-tlalli" and "tlatoca- tlalli," as well as those apportioned to the chiefs as members of the kin, "tlalmilli," were appropriated by the conquerors,— the bulk of the "calpulalli" could not, for a long time, be disintegrated for private uses, notwithstanding the still more nefarious influence exercised by the donation of lands to individuals, with the faculty of barter or sale, in the very heart of the organization itself. Even up to the present time, these communal tracts are still found in Mexico, occupied and tilled by the aborigines after their original customs.[151]

[151] Mr. James Pascoe, an English gentleman, resident of Toluca, has in a letter reported upon by the French "Journal des Missions Evangéliques" (1874), given a detailed description of the condition of the Indians in his vicinity. His statements about their communal system of tenure, the eligibility of their chiefs, etc., etc. ("gobernadores") are very positive and plain.

Mr. Stephens, in "Travels in Yucatan" (Vol. II, cap. I, pp. 14 and 15), described the mode of life of the settlement ("rancho") of Schawill near Nohcacab, which settlement contained about "one hundred labradores, or working men, their lands are held and worked in common, and the products are shared by all. Their food is prepared at one hut, and every family sends for its portion, etc., etc."

Brantz-Mayer: ("Mexico as it was and as it is," 3d Edition, 1827). While at the hacienda of Temisco near Cuernavaca: "he pointed out to us the site of an Indian village, at the distance of three leagues, the inhabitants of which are almost in their native state. He told us, that they do not permit the visits of white people; and that, numbering more than three thousand, they come out in delegations to work at the haciendas, being governed at home by their own magistrates, administering their own lands, and employing a Catholic priest to shrive them of their sins; once a year. The money they receive in payment of wages, at the haciendas, is taken home and buried; and as they produce the cotton and skin for their dresses, and the corn and beans for their food, they purchase nothing at the stores" (p. 175). Hon. E. G. Squier, in his ex-

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At a late hour, comparatively, the government of Spain recognized the importance of maintaining this last vestige of Indian land tenure. It was brought to it, not only by the incessant clamor of ecclesiastics of various orders,[152] by the necessity of restraining the power of the new settlers over the aborigines, which power threatened (as in Peru) to endanger Spanish domination itself,[153]—but especially from the conviction, that it was best suited to the wants of the Mexican natives, being the mode of

cellent work on Nicaragua, makes the following very important observations on the tenure of lands there: (Vol. I, cap. 20 and 29). "The municipality of Subtiaba, in common with the barrios of some of the towns, holds lands, as I have said, in virtue of royal grants, in its corporate capacity. These lands are inalienable, and are leased to the inhabitants at low and almost nominal rates. Every citizen is entitled to a sufficient quantity to enable him to support himself and his family; for which he pays from four rials (half a dollar), to two dollars a year. This practice seems to have been of aboriginal institution; for under the ancient Indian organization, the right to live was recognized as a fundamental principle in the civil and social system. No man was supposed to be entitled to more land than was necessary to his support; nor was he permitted to hold more than that, to the exclusion or injury of others. In fact, many of the institutions of the Indians in this country were recognized, and have been perpetuated by the Spaniards." The bearings of these remarks, upon our subject, are easily noticed, and need no further comments. That part of the indigenous population of which the learned traveller treats, are from the same stock as the Mexicans.

The document which has already occupied our attention, namely: the grant of Cortés to the chiefs of Axapusco and Tepeyahualco (See note 136) also furnishes evidence of the existence of these communal tracts in Mexico, and their recognizance by the Spanish government. This grant was the object or cause of a long suit, which we shall refer to hereafter,—the inhabitants of the two pueblos suing their chiefs for restitution of the communal property. This shows that the "calpulli" in *fact*, if not in name perhaps, still existed at least in the past century. The litigation alluded to occurred between the years 1735 and 1764.

[152] These protestations were mainly issued at the example of the indefatigable Las Casas. It would be superfluous to refer to them in detail. But it is remarkable with what freedom of language this violent though noble character was permitted to speak. We have already quoted (note 147), his memorial to the council of the Indies (written in 1542 or 1543). In that document he goes so far as to say: "First, that all the wars called conquests ("conquistas" applying it to the New World exclusively), were and are unjust and the very acts of tyrants. Second, that all the Kingdoms and Lordships of the Indies are held by us through usurpation only . . . . Fifth: that the King our Lord, whom God may keep safe and prosperous, cannot, with all the power God has given him, justify the wars and robberies made to these people, nor the Repartimientos and encomiendas,—more than he could justify the wars and robberies committed against the Christian by the Turks . . . . . Eighth: that the natives of all these parts and wherever we may have entered the Indies have a perfect right to make war upon us or to expel us and wipe us off the face of the earth, which right they will preserve until the day of judgment" (Col. de Doc. II, p. 508). This is strong talk from the Bishop of Chiapas, not only against the Emperor, but against the Holy See, which had *donated* the Indies to Spain.

[153] It is well known that the liberation of the Indians from personal servitude was a measure, not only of humanity and justice, but also of policy, on the part of the Spanish government, to weaken the growing power of the conquerors and early colonists. The troubles in Peru give a good example of the state of affairs.

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618 tenure of lands corresponding to undisturbed aboriginal society. Thus the calpulli were, to a limited extent, protected, nay fostered, and recognized in law, even as late as the past century.[154] Like all remains of "ancient society," *they* also are bound to disappear, or be transformed in a manner suitable to the exigencies of a higher culture. But it may not be amiss to quote, at the close of this investigation, a tribute paid to their value for the wants of Indian society by Alonzo de Zurita, a Spanish official of perspicacity, deep knowledge, and honest judgment, in his memorial to the King of Spain, written about the year 1560.[155]

618 [154] The litigation over the grant to the caciques of Axapusco and Tepeyahualco, to which we referred in note 151,— is commented upon as follows by Señore J. F. Ramirez in his letter proving the authenticity of the document, dated 30 Sept., 1865, and printed in the Introduction to the "Real Ejecutoria, etc., etc." "D. Juan de los Santos, D. Antonio Estéban, D. Juan and D. Lorenzo Morales, with the title of caciques and principals of Tepeyahualco, and with the right of successors and lawful descendants of D. Juan and D. Fernando Morales "companions (they said), of the illustrious Hernan Cortés in the conquest and pacification of these kingdoms" had been in possession of the municipal government of that pueblo and of Axapusco, and consequently of the administration of their communal property. The dexterous policy of the Spanish government soon conceived the danger of that system, *which was very general in its origin*, and therefore sought to undermine it in its own particular way. It sought, therefore, to develop the municipal (communal) principle of institutions, and setting the democratic element to action, thus placed the caciques in opposition with their former subordinates, destroying their influence and power. In the present case, the viceroy authorized the pueblos mentioned to elect their municipal authorities, and thereby Santos and the Morales were removed from the administration of the properties." These remarks are very important. But the parties appealed from this division and a long suit ensued. The chiefs based their claims upon the grant of Cortés *exclusively* (pp. XIII and XIV), and the pueblos attacked the authenticity of that document; at the same time invoking the right of possession ("plenario de posesion.") The result of the litigation is described as follows: "declaring the possession in favor of the pueblos, condemning Santos to restitution of the fruits (proceeds), but leaving aside the rights of the parties upon the point of ownership" (juicio de propiedad). The whole case shows that the Spanish government recognized:

First: The communal organization of the tribes, and the elective constituency of its chieftains.

Second: That the hereditary office of chiefs, and the hereditary ownership of lands, were Spanish innovations ("que á su principio fué muy ordinario"). Now this origin ("principio") is certainly not intended to go farther back than the conquest.

Third: That the only right and title, as claimed by the chiefs, was derived from the grant of Cortés, and that they did not claim any prior right, connected with descendancy or with privilege of caste.

Fourth: Consequently, that the Spanish government itself recognized the anterior democratic constituency of the Indian community, and its customs, regarding them as prevailing even over the acts and disposition of Cortés,— although to him the Spaniards owed the conquest of the country.

[155] Rapport sur les différentes classes de chefs de la Nouvelle Espagne," pp. 63 and 64. The original of this highly important report to the King of Spain, has been printed once, but very defectively, in the "Collecion de Documentos Inéditos relativos al Descubrimiento, etc., etc." It is much to be regretted that my learned friend, Sr. Icazbalceta, has not incorporated that copy of it pertaining to Sr. Ramirez, in his valuable

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"The good order reigning in the calpullis is a strong reason to protect them in law, and to prevent them from becoming intermingled, as they are already nearly everywhere; for once broken up, the harmony which they originally exhibited can never be reëstablished again. The ignorance about these institutions, and the little regard paid to them, are the cause that many Indians were given lands out of their calpullis, which they (originally) had received only to cultivate, and (this) on their simple assertion that they and their ancestors had held and tilled them. In doing this, they but follow the advice of the Spaniards (mestizoes) and mulattoes, who involve them in litigations, and who live from these squabbles. . . . . In vain the chiefs deny such assertions, claiming that the lands belong to the calpulli; they are not heeded, the rightful owners are despoiled, and those to whom they are adjudged do not profit by it, since they sell them, or alienate them (otherwise) to the detriment of the calpulli." 648

Out of the scanty remains thus left of certain features of aboriginal life in ancient Mexico, as well as out of the conflicting statements about that country's early history, we have now attempted to reconstruct the conceptions of the Mexican aborigines about tenure of lands, as well as their manner of distribution thereof. Our inquiries seem to justify the following conclusions: 423

1. The notion of abstract ownership of the soil, either by a nation or state, or by the head of its government, or by individuals, was unknown to the ancient Mexicans.

2. Definite possessory right was vested in the kinships com-

"Coleccion de Documentos para la Historia de México."— Alonso de Zurita lived in America from 1540 till 1570; or about nineteen years. Of these he spent two at St. Domingo, three years in N. Granada, Sa. Marta, Cartagena, and the Cabo de la Vela, three years in Guatemala, and about eleven in Mexico. His "Report" consists of a series of answers to queries put by the King, and sent from Valladolid, Dec., 1553. If we could obtain all the answers given to these questions from all parts of Spanish America, and all as elaborate and truthful as those of Zurita, Palacio and Ondegardo, our knowledge of aboriginal history and ethnology of Spanish America would be much advanced.

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423 posing the tribe; but the idea of sale, barter, or conveyance or alienation of such by the kin had not been conceived.

3. Individuals, whatever might be their position or office, without any exception, held but the right to use certain defined lots for their sustenance, which right, although hereditary in the male line, was nevertheless limited to the conditions of residence within the area held by the kin, and of cultivation either by or in the name of him to whom the said lots were assigned.

4. No possessory rights to land were attached to any office or chieftaincy. As members of a kin, each chief had the use of a certain lot, which he could rent or farm to others, for his benefit.

5. For the requirements of tribal business, and of the governmental features of the kinships (public hospitality included), certain tracts were set apart as official lands, out of which the official households were supplied and sustained; but these lands and their products were totally independent from the persons or families of the chiefs themselves.

648 6. Conquest of any tribe by the Mexicans was not followed by
651 an annexation of that tribe's territory, nor by an apportionment of its soil among the conquerors. Tribute was exacted, and, for the purpose of raising that tribute (in part), special tracts were set off; the crops of which were gathered for the storehouses of Mexico.

631 7. Consequently, as our previous investigation (of the warlike
642 institutions and customs of the ancient Mexicans) have disproved the generally received notion of a military despotism prevailing among them,—so the results of this review of Tenure and distribution of lands tend to establish: "that the principle and institution of feudality did not exist in aboriginal Mexico."